

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, November 4, 2003
Tuesday, 9:09 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp; present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Patsy Ellis, Deputy City Clerk; present.

Kevin Clark, Minister St. Thomas Aquinas Catholic Church, gave the invocation.

The Pledge of Allegiance to the Flag was participated in by the Council Members, staff, and guests.

The Minutes of the regular meeting of October 21, 2003, and the Workshop/Executive Session meeting of October 28, 2003, were approved 7 to 0.

AWARDS AND PRESENTATIONS

PROCLAMATIONS Proclamations previously approved were presented.

PUBLIC AGENDA

TIMOTHY GRUVER Timothy Gruver-Tallgrass Film Festival.

Mr. Gruver gave presentation on the Tallgrass Film Festival.

DIVERSITY TEAM Wichita Supplier Diversity Task Team Status Report.

Mr. Carlos Noya Vice President, Wichita Supplier Diversity Task Team gave a Status Report.

UNKNOWN SPEAKER Council denied permission for a third person to speak due to time limitation or subject criteria not being met.

UNFINISHED BUSINESS

HISTORIC PRES. BOARD APPEAL OF HISTORIC PRESERVATION BOARD ACTION REGARDING CONVERSION OF FIRST FLOOR COMMERCIAL SPACE TO PARKING GARAGE AT 221-23 EAST DOUGLAS. (DISTRICT D) HPC2003-00141, AND CONSIDERATION OF ISSUES RELATED TO CONVERSION OF FIRST FLOOR COMMERCIAL SPACE TO PARKING GARAGES IN THE DOWNTOWN EAST DOUGLAS AREA.
(Continued from October 21, 2003)

Motion -- Mayor Mayans moved that this item be deferred until the November 18th meeting. Motion carried
-- carried 7 to 0.

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SIGNAGE

ADVERTISING SIGNAGE (CITY-PROPERTY) POLICY. (CONTINUED FROM OCTOBER 21, 2003)

Agenda Report No. 03-1115

The current City policy is not to allow placement of advertisement structures on City-owned property. At its September 16th meeting, the City Council considered this matter and directed that a policy governing such placements be brought to the City Council for review.

The issue before the City Council is whether or not to change its current policy from prohibiting placement of advertising structures on City-owned property; or to allow the leasing of City-owned land that is properly zoned for advertising.

The proposed policy provides that all such advertising shall conform to the current regulations existing for private property. In addition the policy would address the appropriateness of the location of the structure, the message content, and possible reviews (of sites) relative to special circumstances.

The policy provides that the City receive competitive lease rates for any properties deemed eligible for off-site advertisement structures. This could be established by notifying the outdoor advertisers and brokers about the potential sites and that the City will consider outdoor advertising on specific sites with consideration giving to zoning, sign spacing, and other restrictions dealing with road type, height, etc. Once this is achieved, Staff would be permitted to accept market rates.

Lease rates for advertising signs range from \$500 - \$1,500/month, depending on size, location, etc.

The City Council has the authority to allow such use on City property and to adopt such a policy to regulate the use. Following are the legal staff's comments/suggestions:

- 1) The Sign Code Ordinance (sec. 24.04.200(d) will need to be amended to allow signs on public property. Once amended, signs must comply with all code provisions.
- 2) The City may establish prohibited categories of signs based on content. Both the Policy and the lease provisions will need to be drafted and neutrally applied to all uses of a similar nature.

Mayor Mayans Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Council Member Fearey Council Member Fearey stated she is opposed and will not support the motion.

Council Member Martz Council Member Martz stated that he is also opposed to additional billboards.

Motion -- Gray moved that Council be authorized to adopt such a policy and to regulate the use following Legal
Carried Staff comments and suggestions. Motion carried 4 to 3. Fearey, Lambke, Martz; no.

NEIGHBORHOOD CITY HALL

ESTABLISHMENT OF NEIGHBORHOOD CITY HALL. (DISTRICT II) (CONTINUED FROM OCTOBER 21, 2003)

Chris Cherches City Manager, reviewed the Item.

Mayor Mayans Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion – carried Schlapp moved that this item be deferred for one year. Motion carried 7 to 0.

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NEW BUSINESS

IRB-MID-CONT. INSTRUMENTS

PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REFUNDING REVENUE BONDS- MID-CONTINENT INSTRUMENTS. (DISTRICT II)

Lisa Jones

Industrial Analyst-Department of Finance reviewed the Item.

Agenda Report No. 03-1117

On October 7, 2003, the City Council approved a one-year Letter of Intent to issue its Industrial Refunding Revenue Bonds in the amount not-to-exceed \$3,300,000 to Mid-Continent Instruments. The bond proceeds will be used to refund and redeem currently existing debt and pay costs of issuance. The company is now requesting City Council to issue Industrial Refunding Revenue Bonds in the amount not-to-exceed \$3,300,000.

Mid-Continent Instruments is located at 9400 E. 34th Street North in northeast Wichita. Mid-Continent designs, manufactures and distributes aircraft instruments. The Company's principal products include a comprehensive line of gyros, altimeters and autopilot components, clocks, pressure gauges, ammeters and fuel gauges. Mid-Continent Instruments' instrument program is one of the largest in the world. The company supplies gyros, altimeters and autopilot components to customers that build and operate aircraft, from light single-engine planes to heavy, twin corporate jets to helicopter operations.

Bond proceeds will be used to refund and redeem Series IX, 1997, currently existing debt, and pay costs of issuance. The refinancing of the IRB's will result in a significant reduction in annual debt service payments and will shorten the term of indebtedness by one year.

An analysis of the uses of project funds is:

Redemption of Series IX-A, 1997 Bonds	\$3,190,000
Redemption of Series IX-B, 1997 Bonds	55,000
Costs of Issuance	<u>55,000</u>
Total Cost of Project	\$3,300,000

The Bonds will be underwritten by Banc of America Securities and reoffered in \$100,000 denominations to sophisticated investors. The firm of Hinkle Elkouri Law Firm, L.L.C. serves as bond counsel in the transaction.

Mid-Continent agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative service fee for the term of the bonds.

Mid-Continent Instruments received a tax abatement on the property purchased and constructed with the proceeds of the 1997 Bonds. This property will continue to be exempted from Kansas ad valorem property taxes for the remaining four-year period permitted by Kansas law.

Bond documents needed for the issuance of the bonds will be prepared by bond counsel. The City's Law Department will review and approve all final bond documents prior to the issuance of the bonds.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion--

Schlapp moved that the public hearing be closed; first reading of the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Refunding Revenue Bonds in an amount not-to-exceed \$3,300,000 be approved and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

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ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas to issue its Industrial Revenue Refunding Bonds (Didcot, L.C. Project), Series VII, 2003 in the aggregate principal amount of \$3,295,000 for the purpose of providing funds to refund on a current basis certain Industrial Revenue Bonds, Series IX-A, 1997 and Series IX-B, 1997 of the City and to pay certain costs of issuance; prescribing the form and authorizing execution of a Trust Indenture between the City and UMB Bank, N.A., Wichita, Kansas, as Trustee; prescribing the form and authorizing execution of a lease by and between the City and Didcot, L.C.; approving the form of a Sublease Agreement by and between Didcot, L.C. and Mid-Continent Instrument Co., Inc.; approving the form of a Guaranty Agreement among Didcot, L.C. and Mid-Continent Instrument Co., J. Todd Winter and Ellen D. Winter, as Guarantors, and UMB Bank, Wichita, Kansas, as Trustee; prescribing the form and authorizing the execution of a Underwriting Agreement among the City, Didcot, L.C., Mid-Continent Instrument Co., Inc., and Banc of America Securities LLC, as purchaser of the Series VII, 2003 Bonds; prescribing the form and authorizing the execution of a Tax Compliance Agreement among the City, Didcot, L.C., Mid-Continent Instrument Co., Inc., and UMB Bank, presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

IRB-FLIGHT- SAFETY INTL.

Lisa Jones

PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS-FLIGHTSAFETY INTERNATIONAL. (DISTRICT V)

Industrial Analyst-Department of Finance reviewed the Item.

Agenda Report No. 03-1118

Since 1991, the City Council has approved the issuance of \$54 million in Industrial Revenue Bonds and Airport Special Facility Revenue Bonds for FlightSafety International. The bonds were used to construct building additions and purchase new flight simulators for use in FlightSafety Training Centers located at 1851 Airport Road (Cessna Citation Facility) and Two Learjet Way (Learjet Facility). FlightSafety was also granted 100% tax abatement on the bond-financed property, for a five-year period plus a second five-year period based on Council review.

On December 18, 2001, the City Council approved a Letter of Intent to issue its Industrial Revenue Bonds in the amount not-to-exceed \$32,500,000, and approved a five-plus-five-year 100% property tax abatement to FlightSafety International. The bond proceeds will be used to acquire and install five additional flight simulators and related equipment at the FlightSafety International Training Center located at 1851-1951 Airport Road. FlightSafety International (FlightSafety) is now requesting the issuance of Industrial Revenue Bonds in an amount not to exceed \$27,200,000.

FlightSafety International, Inc. was organized in 1951, and purchased by Berkshire Hathaway Inc., in December 1996. FlightSafety provides training for operators of aircraft and ships. Training activities include advanced training of pilots, air traffic control procedures and new aviation developments. Training is provided both in the private (Cessna, Learjet, Raytheon) and public sectors (U.S. Air Force and U.S. Navy). In addition to aircraft training, FlightSafety provides necessary training to allow pilots to obtain licenses for operation of large oceangoing vessels. FlightSafety also offers maintenance training for certain aircraft.

FlightSafety plans to add 44 new jobs for the Wichita Area Facilities. Additional jobs will be divided between the Cessna and Learjet Training Facilities. FlightSafety's pilot training program brings over 10,000 pilots to Wichita each year, for an average two-week training program. This results in an estimated 75,000 hotel room nights.

Proceeds from the requested bonds will be used to finance the cost of purchasing and installing new simulators and flight training devices. The acquisition of new training equipment and training capability is expected to accommodate growth in sales and new products for both Cessna and Learjet. An analysis of the uses of project funds is:

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USES OF FUNDS

Acquisition of 5 Simulator	\$26,951,804
Cost of Issuance	<u>248,196</u>
Total Cost of Project:	\$27,200,000

The firm of Hinkle Elkouri, L.L.C. serves as bond counsel in the transaction. The bonds will be underwritten by Wachovia Bank National Association and offered for public sale. The bonds will be guaranteed by FlightSafety's parent firm, Berkshire Hathaway, Inc.

FlightSafety agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. City Council has approved a five-plus-five-year 100 % tax abatement based on capital investment, new employment and export sales.

Bond documents needed for the issuance of the bonds will be prepared by bond counsel. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds.

Mayor Mayans Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Gary Rebenstorf Director of Law stated that there was a correction. Since the City was set as the Airport Authority, there will be a separate vote under Item 65 in the Airport Agenda.

Motion-- Martz moved that the public hearing be closed; the Ordinance authorizing the execution and delivery of documents for the issuance of Airport Special Facilities Revenue Bonds to FlightSafety International in the amount of \$27,200,000, be placed on first reading; and the necessary signatures be authorized.

-- carried Motion carried 7 to 0.

ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas (the "City") to issue its Adjustable Mode Airport Facility Revenue Bonds in the aggregate principal amount of not to exceed \$27,200,000 for the purpose of providing funds to pay the costs of acquiring, purchasing and installing flight training equipment in the City of Wichita, Kansas; prescribing the form and authorizing execution of a Trust Indenture by and between the City and Wachovia Bank, National Association, as Trustee with respect to the Bonds; prescribing the form and authorizing the execution of a lease by and between the City and FlightSafety International Inc. (the "tenant"); approving the form of a guaranty; approving the form of a remarketing Agreement; authorizing the execution of a purchase agreement by and among the City, the tenant and Wachovia Bank, National Association, as the underwriter for the Bonds; and authorizing the execution of a Tax Compliance Agreement by and among the City, the Tenant and the Trustee, introduced and under the rules laid over.

IRB, BOEING CO.

PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS-THE BOEING COMPANY. (DISTRICT III)

Council Member Brewer Council Member Brewer declared a Conflict of Interest and stated he will abstain from voting.

Gary Rebenstorf Director of Law reviewed the Item.

Agenda Report No. 03-1119

Since 1979, the City of Wichita has approved over \$3 billion in Industrial Revenue bond financing, in conjunction with ad valorem tax exemptions, to Boeing Commercial Airplanes, Wichita Division "Boeing Wichita", a division of The Boeing Company. Boeing Wichita is now requesting the issuance of City of Wichita Industrial Revenue Bonds in an amount not-to-exceed \$60 million, under the authority of the Letter of Intent approved November 9, 1999.

Boeing Wichita, located on both sides of Oliver Street from 31st Street South to South of 47th Street, is Kansas' largest employer, with approximately 12,500 employees and an annual payroll slightly under

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\$1 billion. Boeing Wichita is engaged in manufacturing support of Boeing commercial airplanes and commercial and military aircraft modification. All Boeing Wichita sales are exported out of the state of Kansas.

Bond proceeds will be used for acquisition of new, advanced manufacturing equipment and enhancement of existing facilities. Some of the planned equipment purchases include riveting systems, milling machines, laser trackers and airplane program tooling. Boeing advises the new equipment will have no adverse effect on Wichita's ambient air quality.

Acquisition of advanced technologies and the construction of new facilities is required for Boeing Wichita to compete for commercial and military production, in addition to sustaining on-going production programs. In these markedly different and difficult times, the bond proceeds will not have an immediate impact in stabilizing employment in the near term but will substantially assist with helping Boeing Wichita retain many critical professional, technical, and highly skilled employees. The economic impact of planned upgrades and expansion has a direct cascade effect on engineering and architect firms, machine shops, and material providers in Wichita.

The firm of Kutak Rock of Omaha, Nebraska will serve as bond counsel in the transaction. The Boeing Company will purchase the Bonds, as a result of which, there is no need for an underwriter. Boeing Wichita has agreed to comply with the Standard Conditions contained in the City's IRB Policy.

The Boeing Company agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. The Boeing Company qualifies for a ten-year 100% property tax exemption on the bond financed property on the basis of membership in the local aircraft manufacturing community, level of capital investment, and 100% out-of-state sales exportation. Consistent with the intent of the City Council in its action approving the November 9, 1999 letter of intent, the ten-year period of exemption is to apply without a review by the Council at the five-year point. The IRB Lease document to be approved by the Bond Ordinance has been drafted accordingly. This is consistent with all discussion had at the public hearing on the item, although references to a five-year review were inadvertently included in the November 9, 1999 minutes from a superseded agenda report.

- Mayor Mayans Mayor Mayans stated he had a concern about part of the paragraph in the Financial Considerations stating "Consistent with the intent of the City Council in its action approving the November 9, 1999, letter of intent, the ten-year period of exemption is to apply without a review by the Council at the five-year point.
- Brian McCloud Law Department stated that the paragraph that the Mayor referred to was there because, back in 1999, when Staff initially wrote the recommendation for the Agenda Report on the Letter of Intent, Staff originally recommended the City's standard five-year time Review Policy. The City Council, at that time, thought that Boeing and Boeing's operation was a significantly important business to make an exception and so the Council discussion and vote was to go ahead and grant them the 10-year abatement without a review at the five year point; Because the minutes were compiled from the original Agenda Report, the five-year reference from the Agenda Report got into the minutes by mistake. Since then, each year, we have been noting that in the action---what the Council's real discussion and vote was, and why it doesn't exactly match the November 1999 Council Minutes. That paragraph is there as an explanation as to why those minutes from 1999 didn't accurately reflect what the Council did and voted for.
- Mayor Mayans Mayor Mayans asked if by approving this, would it also continue the exemption.
- Brian McCloud Law Department stated yes, he believed it would, that the recommendation now was to proceed consistent with what the Council did in the Letter of Intent.
- Mayor Mayans Mayor Mayans inquired if anyone wished to be heard and no one appeared.

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Motion -- Lambke moved that the public hearing be closed and first reading of the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount not-to exceed \$60 million be placed on first reading. Motion Carried 6 to 0. Brewer abstained/conflict of interest.

-- carried

ORDINANCE

An Ordinance allowing the issuance of Industrial Revenue Bond to The Boeing Company, introduced and under the rules laid over.

(This Item was considered later in agenda. Action is shown in Agenda order)

GO BOND

GENERAL OBLIGATION REFUNDING AND IMPROVEMENT LOCAL SALES TAX BOND SALE (SERIES 2003B).

Kelly Carpenter Acting Finance Director reviewed the Item.

Agenda Report 03-1120

The City is offering for sale one series of general obligation refunding and improvement bonds totaling approximately \$52,500,000.

A portion of the proceeds from the sale of the Series 2003B Bonds will be used to permanently finance certain City-a t-large projects associated with the Kellogg Freeway. The remainder of the proceeds from the sale of the Series 2003B Bonds will be used to retire the Series 1996 LST Bonds.

Sealed bids will be accepted electronically through I-Deal, LLC/PARITY Electronic Bid Submission System until 10:30 a.m. CST in a Finance Conference Room, at which time the bids will be publicly opened. No bids will be accepted after the 10:30 a.m. deadline. The bids will be verified, tabulated and presented to the City Council at its earliest convenience following the tabulation of the bids. By law, the City must award the sale of the bonds to the bidder whose proposed interest rates result in the lowest true interest rate.

The Series 2003B Refunding Local Sales Tax Bonds will mature over the next fifteen years (2004-2018) with refunded principal maturities structured to produce up-front savings and positive savings in all future years. The new money issue is structured on a level principal and interest basis. The Series 2003B bonds will be callable in 2013 with a 1% call premium.

Bond Counsel will review and approve the bids, the Law Department will approve the authorizing Ordinances which have been prepared by Bond Counsel.

Twelve 12 electronic bids were received, lowest being from Morgan Stanley at the rate of 3.628205 percent.

Mayor Mayans Mayor Mayans inquired if anyone wished to be heard.

Sybil Strump Sybil Strump, registered voter, states they have funds for Kellogg, Woodland, etc. Wanted to know about the turnpike and the issue of the flooding. Would like to see the roads and highways under repair and construction finished quicker. Concerned about businesses.

Motion-- Mayans moved that the sale of Bonds be awarded as outlined and recommended; a public emergency be declared with the Bond Ordinance being adopted on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

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ORDINANCE NO. 45-922

An Ordinance authorizing and providing for the issuance of General Obligation Refunding and improvement Sales Tax Bonds, Series 2003B, of the City of Wichita, Kansas, in the total principal amount of \$48,855,000, for the purpose of refunding certain General Obligation Sales tax Bonds, Series 1996 and providing the necessary funds to pay costs in connection with the construction of roads, highways and bridges in the City; prescribing the terms and details of the Bonds; pledging a portion of the County Retailer's Sales Tax Revenues allocated to the City for the payment of the principal of and the interest on the bonds as they become due; providing for the levy and collection of an annual tax for the purpose of providing for the payment of any portion of the principal of and the interest on the Bonds not paid from said sales tax revenues; and making certain other covenants and agreements with respect to the Bonds. Mayans moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CENTRAL IMP. CENTRAL AVENUE IMPROVEMENT, WOODLAWN TO ROCK. (DISTRICT II)

Neil Cable Public Works Engineer reviewed the Item.

Agenda Report No. 03-1121

The 2002-2011 Capital Improvement Program (CIP) includes a project to improve Central, between Woodlawn and Rock. On April 1, 2003, the City Council voted 7-0 to approve a five-lane design concept, without medians.

The options considered by the City Council were: (1) a five-lane roadway with a continuous center two-way left turn lane and right turn lanes on the northeast and southeast corners of Central and Woodlawn and, (2) landscaped medians rather than striped turn lanes. Construction is planned for 2004.

The estimated project cost is \$3,865,000, with \$1,415,000 paid by the City and \$2,450,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds (GO). The original project is included in the approved 2002-2011 CIP for 2004 (\$1,165,000 GO, \$2,200,000 Federal). The revised project is included in the proposed 2004-2013 CIP for 2004 (\$1,415,000 GO, \$2,450,000 Federal).

Council Member Fearey Council Member Fearey asked how close this widening will take the road to some of the residences along that stretch.

Neil Cable Public Works Engineer, responded by stating the right-of-way for the majority of this particular project is sufficient for this project, so it widens on each side half of the additional lane way, roughly about another six to eight feet closer.

Mayor Mayans Mayor Mayans inquired if anyone wished to be heard.

421 Hampton Road Gentleman that did not give his name stated he lives at 421 North Hampton Road, and feels it is not a very good place to live anymore. He was told there was going to be a turn lane put in next to his house on Central and asked if that was going to happen, because option shown only shows the five lanes, without a turn-lane at Central and Hampton.

Neil Cable Public Works Engineer stated that he believed there is a decel lane at Central and Hampton, so yes.

Resident 421 Hampton Resident at 421 Hampton stated this is a big problem. The turn lane proposed on East Central on Hampton is next to his home. The turn lane is in District I, which he is in, and turns in Hampton Road. Says he's on the District I side of Hampton and the other side Hampton is in District II. This happened when the Redistricting was done. He feels he lives in a rapidly declining neighborhood with increased crime, and has seen drugs on the corner where he lives. Is concerned he may not be able to sell his

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home if he wants to. The value of houses on Central between Woodlawn and Rock Road will also decline rapidly as well. Is concerned about City compensating him. States house across the street from him in District II was purchased by an individual who told him he is connected with some pawn shops, and would be having some rather large pawn and yard sales that he and his family were into, and he wanted to alert him that the traffic would be horrendous and he needed to be prepared. Wishes to meet with someone from District I or District II let them know of all the problems.

Council Member Brewer Council Member Brewer stated he would meet with the gentleman.

Neil Cable Public Works Engineer stated he needed to make a correction. He had said there was a decel lane in Hampton, and it's actually on Armour, Tallyrand and Brookside. There is no decel lane at Hampton.

Jim Talbet Jim Talbet, who lives at 1226 Patricia. In responding to a question asked by Council Member Fearey about how close this would move these lanes to some of the houses.. He said it would be his understanding that if the street were to be widen the street by six to eight feet, and add a turn lane next to this gentleman's house, believe that is going to put the curb about 20 feet closer to his home.

Neil Cable Public Works Engineer stated again there would be no decel lane at Hampton, and that when there are decel lanes, they are closer to the homes--the width of a decel lane plus the additional six to eight feet.

Linda Radke Linda Radke, Board of Directors, The Chaumont, 7077 East Center, asked Mr. Cable if this would increase the taxes since it is funded by bonds and federal grants.

Neil Cable City Engineer stated it would not.

Motion -- Schlapp moved that the project and Agreements be approved; the Ordinance be placed on first
-- carried reading; and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance declaring Central Avenue, between Woodlawn and Rock (472-83874) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

CENTRAL IMP. CENTRAL AVENUE IMPROVEMENT, OLIVER TO WOODLAWN. (DISTRICTS I AND II)

Neil Cable City Engineer reviewed the Item.

Agenda Report No. 03-1122

The 2002-2011 Capital Improvement Program (CIP) includes a project to improve Central, between Oliver and Woodlawn. On September 15, 2003, District I Advisory Board voted 7-1 to recommend approval. On October 6, 2003, District II Advisory Board voted 8-1 to recommend approval.

The proposed project consists of widening Central to five lanes with four through lanes and a center two-way left turn lane, widening the box culvert at Brookside, installing a new storm water sewer, and landscaping the available right-of-way. Construction is planned for 2004.

The estimated project cost is \$3,825,000, with \$2,125,000 paid by the City and \$1,700,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds (GO). The original project is included in the approved 2002-2011 CIP for 2004 (\$800,000 GO, \$2,300,000 Federal). The revised project is included in the proposed 2004-2013 CIP for 2004 (\$2,125,000 GO, \$1,700,000 Federal). The increase in the City share of the project budget is because the project limits were extended 1,100 feet to the east, higher than expected right-of-way costs were experienced and some of the Federal funds were redirected from this to other projects.

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- Council Member Fearey Council Member Fearey asked why have the extra lane just between Edgemoor and Woodlawn.
- Neil Cable City Engineer stated that that section currently has an acceleration lane from Woodlawn to the east side of the creek, and then the lane transitions into the next lane and then it picks up on the other side of the creek and then has a decel lane over to Edgemoor. The project is to widen at box culvert there at Brookside and create that lane as continuous all way through. The current condition is somewhat unsafe. The acceleration lane when you are merging into traffic you have to look over your left shoulder, while watching for exiting traffic. The idea is to extend that lane all the way through and not force that traffic over into the over west-bound lane.
- Mayor Mayans Mayor Mayans inquired if anyone wished to be heard.
- Larry Novascone Mr. Novascone states he and his wife own a couple of four-plexes that are immediately to the east, right next to the drainage ditch, at Central and Oliver. Mr. Novascone is concerned about the drainage. The water coming from the north down that area has flooded homes on Elm Street, which is behind his. It's also flooded basements under the floor-plexes, plus when this is widened, it will come right up within about ten feet of their first two apartments. Main concern is the drainage and if this will take care of any of the water coming from the north that flows into that drainage ditch. Would like to see that flooding problem is taken care of before any of this is done.
- Steve Lackey Public Works Director stated that the area Mr. Novascone is talking about involves the need to build detention ponds up around 13th Street. There is an extreme amount of water that comes in from the north down to this area. This project will not address that. It will reduce some of the obstructions in the box and make the box a little more efficient, but the real answer to this is the detention system up further north that would hold the flood waters and it would take a separate project to do that.
- Council Member Schlapp Council Member Schlapp stated she had talked with Jim Armour this morning, and she is highly recommending that this issue be a top priority as she feels it is very important. She realizes it is a separate project and has spoken with Mr. Novascone and Mr. Lahey
- Council Member Lambke Council Member Lambke stated that the subject of flooding extends far south of this current area that is being discussed and every time that you build an improvement in the area of Gypsum Creek that comes down through there, it is a huge, huge drainage basin that comes through there, and when you widen a street, build more houses or shopping centers, the speed of the water is increased down south. Is not going to oppose the project, but wants to give the Council notice that we're faced with huge flood water control from this point south, also.
- Motion --
-- carried Brewer moved that the project and Agreements be approved; the Ordinance be placed on first reading; and the necessary signatures be authorized; Motion carried 7 to 0.

ORDINANCE

An Ordinance declaring Central Avenue, between Oliver and Woodlawn (472-83873) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

WOODLAWN IMP. WOODLAWN IMPROVEMENT, BETWEEN CENTRAL AND 13TH STREET. **(DISTRICTS I AND II)**

Neil Cable Public Works Engineer reviewed the Item.

Agenda Item No. 03-1123

The 2002-2011 Capital Improvement Program (CIP) adopted by the City Council includes a project to improve Woodlawn, between Central and 13th Street. It is one of four projects in the CIP to widen Woodlawn from Lincoln to 21st Street. District I Advisory Board sponsored an October 1, 2003 neighborhood hearing on the project. The Board voted 5 to 4 to recommend that a four-lane concept be

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evaluated. The District II Advisory Board sponsored a September 15, 2003 neighborhood hearing on the project. The Board voted 10 to 1 to recommend approval of a five-lane design concept. The City Council discussed the project at its October 28, 2003 Workshop. It was the consensus of the Council to postpone the project indefinitely.

Motion --
-- carried

Schlapp moved that the Item be postponed indefinitely and the available funding in the CIP be reprogrammed. Motion carried 7 to 0.

RAIL CORRIDOR

CENTRAL RAIL CORRIDOR. (DISTRICT VI)

Steve Lackey

Public Works Director reviewed the Item.

Agenda Report No. 03-1124

In December 1995, the City of Wichita and Sedgwick County became aware of the Union Pacific (UP) Railroad's intention to increase train movements through Wichita. The UP's proposed merger with the South Pacific Railroad gave the UP the incentive to utilize its rail lines through Wichita as a north-south mainline between Texas and Wyoming (coal), as well as for grain shipments from Nebraska and other states to ports on the Gulf of Mexico. To implement the merger and the new routings, the UP had to receive approval of the Surface Transportation Board (STB).

Protests from the City of Wichita and Sedgwick County against the proposed impact of increased train movements were recognized by the STB as being legitimate and of concern. On August 12, 1996 the Federal Surface Transportation Board (STB) approved the merger of the Union Pacific and the Southern Pacific (SP) Railroads. As a result of that merger the UP proposed to increase the number of through trains per day from 4.5 to 10. In September 1996, the Board directed a comprehensive evaluation of Wichita's problem and possible mitigating actions the STB could require as a prerequisite to approval of the UP/SP merger.

In November 1997, meetings with UP officials began with the goal of negotiating a reasonable settlement that would eliminate the need for the STB to impose its minimal mitigation plan. Because of the impact of both major railroads causing traffic delays, safety concerns, delays to emergency vehicles, air pollution, and other environmental effects, the City of Wichita and Sedgwick County commissioned a study to develop and evaluate solutions to this problem. The study investigated the feasibility of constructing bypass routes around the Wichita metropolitan area, as well as potential improvements to the Central Rail Corridor such as grade separations and rail consolidation with the Burlington Northern Santa Fe (BNSF) railroad lines that also go through central Wichita. The recommendation of this study was that an elevated corridor should be constructed from Douglas Avenue, on the south end, to 17th Street North on the north end. Grade-separation will be provided at the following arterial streets: Douglas Avenue, 1st Street, 2nd Street, Central Avenue, Murdock Avenue, and 13th Street. Both the BNSF and the UPRR will use this facility for through trains.

In May 1999, the City entered into agreements with HNTB to provide design services for the Central Rail Corridor project (Project). TranSystems was retained to provide management assistance, and to coordinate the Project with the Railroad Companies and State/Federal agencies.

The Central Rail Corridor was presented to the District VI Advisory Board on June 3, 2002. The Board endorsed the Project. Although the Project is not within the boundaries of District I, because of its proximity to District I, it was also presented to the District I Advisory Board as an informational item.

The Project design is nearing completion, and right-of-way acquisition is complete. The estimated Project cost is \$98.9 million. The project scope and budget was approved by the City Council February 5, 2002. An amending Resolution to authorize funding for the project has been prepared.

During the upcoming construction phase, coordination cooperation between many different organizations will be essential. Some of the affected parties will be the City of Wichita, the Burlington Northern and Santa Fe Railway Company, the Union Pacific Railroad, various State/Federal agencies, as well as the contractors selected to construct the project. A supplemental agreement, in an amount not to exceed \$3,114,102.17 has been negotiated with TranSystems to provide this coordination.

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TranSystems will also coordinate and monitor the procurement and installation of railroad provided equipment/work.

A supplemental agreement, in an amount not to exceed \$4,135,908, has been negotiated with HNTB to provide construction inspection and design services during construction. HNTB's responsibilities will include the monitoring of the contractor's work to ensure compliance with the plans and specifications, measure and compute materials incorporated into the project, determine pay quantities, and furnish as-built drawings when the project is complete.

Ultimately, the ability of all parties to work together and overcome obstacles that may arise as the project progresses will influence the overall success of the project

Funding sources for the Project will be from Federal TEA 21 (\$24.3 million), State System Enhancement (\$44.6 million), Union Pacific Railroad (\$11.8 million), and Local Sales Tax (\$18.2 million). The project is included in the currently approved CIP and the proposed draft CIP Workbook.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion --

Fearey moved that the Agreements with HNTB and TranSystems be approved; Staff be authorized to solicit bids for the Project; the necessary signatures be authorized; and the Resolution be adopted.

carried

Motion carried 7 to 0.

RESOLUTION NO. 03-567

A Resolution amending Resolution No. R-99-173 of the City of Wichita, Kansas, finding it necessary to make certain grade separation improvements to the Union Pacific Railroad and streets between Douglas Street and 19th Street North and the Realignment of the Burlington Northern Santa Fe Tracks between 17th Street North and 29th Street North. Fearey moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

EMS

AGREEMENT WITH SEDGWICK COUNTY FOR EMERGENCY MEDICAL SERVICES.

Ron Aaron

Fire Captain-Wichita Fire Department reviewed the Item.

Agenda Report No.03-1125

Wichita and Sedgwick County entered into an EMS agreement in January of 1988. On June 26, 2002, the City notified the County of the intention to terminate the 1988 EMS agreement, providing the opportunity to negotiate a new EMS agreement. City and County staff met on numerous occasions and has now arrived at a mutually acceptable EMSS agreement.

Proposed Terms of Agreement: Throughout the negotiation process, the focus of the parties has been on the mutual goal of ensuring that citizens are provided the best emergency medical services system (EMSS) available. This goal is met through this agreement by implementing the following actions:

A. Appointment of a Full-Time Medical Director: The City Manager and County Manager will jointly appoint a full-time Medical Director to provide medical direction, coordination and oversight of quality assurance, clinical training, and medical protocols and procedures. All components of the emergency medical services system will be accountable to the Medical Director regarding issues of medical care and clinical performance.

B. Creation of an Emergency Medical Services System Performance Board: The proposed board will be made up of seven voting members and three non-voting members from diverse professional backgrounds including medical, clinical, financial, business, education, human resources, technology and community leadership. The Medical Director will serve as one of the three non-voting, ex-officio members to the Performance Board. The City and County Managers will each appoint three members, jointly appoint two emergency department physician members one each from Via Christi and HCA

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Wesley hospitals, and ALARM will appoint one member. The Board will have the authority to address all issues relating to the EMSS. It and will also be responsible for developing policies to improve the system, and guide future services. The Board will provide regular reports to the City and County governing bodies, including funding recommendations.

C. Term of Agreement: The agreement will be in place for five (5) years, with annual renewal after that five-year period.

The agreement grants Sedgwick County the right to provide exclusive emergency and non-emergency ambulance service in Wichita, with exception for air ambulance and current providers of ambulance service in Wichita.

City legal staff was involved in the negotiation of this agreement and have approved it as to form. No change in the current ordinances is needed, as this agreement meets the requirements of City Code § 3.80.145 for the appropriate exemptions.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard.

Dwight Allen

Dwight Allen, Executive Director of the Medical Society, stated that if he's not mistaken, he may be the only person that is still working today that was involved when this program was originally organized back in the early 1970's. Stated it was a pleasure for him today, some thirty years later to be able to appear before Council and comment the continuation of this program. Therefore, on behalf of the Medical Society of Sedgwick County Board of Directors, EMS Trama Sub Committee, the EMS Advisory Committee. We are pleased to learn that the governing bodies of the City of Wichita and Sedgwick County will be considering, and hopefully, approving the joint Agreement. This Agreement will insure that state of the art Emergency Medical Services will continue to be provided to all residents of and visitors to Wichita and Sedgwick County. The Medical Society pledges its continuing support to the goal of this joint endeavor--a goal that relies on the team approach to extend the highest quality of Emergency Medical Services to all the area's sick and injured, in accordance with recognized medical standards and available resources.

Motion--
-- carried

Mayans moved that the Joint Agreement with Sedgwick County to provide emergency medical services be approved and the necessary signatures be authorized. Motion carried 7 to 0.

HUD

HUD CONSOLIDATED PLAN-ESTABLISHMENT OF PRIORITY NEEDS.

Tom Smith

Tom Smith Acting Assistant Director of Finance reviewed the Item.

Agenda Report No. 03-1126

Annually, the City submits a HUD Consolidated Plan/Combined Application for Community Development Block Grant (CDBG), HOME Investment Partnership program and Emergency Shelter Grant (ESG) funds. As a part of the submission of the HUD Consolidated Plan, the City is required to prepare a Five-Year Consolidated Plan covering the period July 1, 2004 through June 30, 2008.

One of the requirements for the Five Year Consolidated Plan is the identification of priority needs, which will assist in the allocation of federal, state and local resources to principally benefit low and moderate-income persons. The priority needs can be changed annually, if desired. However, during the last five-year plan, the City elected to establish priority needs and operate the plan without modification of the priority needs.

A preliminary list of needs for the 2004-2008 period has been developed. The needs were compiled from the Wichita-Sedgwick County Comprehensive Plan; draft Strategic Agenda and Neighborhood Revitalization Plan and neighborhood plans. All of these plans had substantial public participation and comment during their development. The list of needs was sent to over 185 local agencies and to interested citizens and community groups for public review and comment. The District Advisory Boards, the Housing Advisory Board and the Park Board were also requested to independently rank the preliminary needs. In addition, Priority Needs Survey was posted on the City website for over 30 days

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to solicit additional public input. Public notices were published in the Wichita Eagle, Kansas State Globe and Cronos.

A table of the proposed 2004-2008 preliminary needs summarizing the public input on prioritizing the needs has been prepared. Prior ranking (if available from 2000) of the priority needs are shown in the last column (in red).

The City Council has the option of accepting the list of preliminary needs with priorities provided by the public, re-ordering the priorities, or identifying other needs with appropriate designations (High, Medium, Low).

The needs presented are community-wide needs which would require all available resources including public, private and federal grant funds to address. If the City Council elects to rank a community need as a high priority, it is anticipated the City would invest resources to address the priority need.

Approximately \$5.4 in Consolidated Plan grant funding is estimated to be available to the City next year. This is comprised of approximately \$3.3 million for Community Development Block Grant, \$1.9 million in HOME funds and \$131,000 in Emergency Shelter Grant funds. Actual grant amounts are subject to annual Congressional appropriations.

A public hearing is required by HUD to obtain public comment on housing and community development needs for the Consolidated Plan. The Consolidated Plan requires designating the priority needs as "High, Medium, Low". HUD defines these terms as follows:

1. (H) High Priority Activities to address this need will be funded by the City during the five year period.
2. (M) Medium Priority Activities to address this need may be funded by the City during the five-year period if funds are available.
3. (L) Low Priority The City will not fund activities to address this need during the five-year period.

Mayor Mayans Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion -- Lambke moved this Item be deferred until the November 18th meeting to allow for a reconstructed priority list. Motion carried 7 to 0.
-- carried

GRADING SYSTEM RESTAURANT GRADING SYSTEM (CITY CODE 7.20).

Jack Brown Environmental Health Director reviewed the Item.

Agenda Report No. 03-1127

The City's Department of Environmental Health inspectors have issued "grades" to restaurants for in excess of thirty years. The current grading ordinance is based on State codes that are no longer in force, and do not adequately reflect the public health significance of inspection findings. The Kansas Department of Health and Environment contracts with the City to conduct food service establishment inspections, and KDHE has requested elimination of the grading system to make it consistent with current State standards/practices.

The current narrative inspection reports do not translate easily into numerical scores necessary for issuing grades. Staff use current State regulations for inspections, and attempt to apply 1976 code standards to issue percentage scores and grades. Few jurisdictions now use grading systems, relying on Administrative Compliance Procedures to address violations with public health significance. Most food protection authorities recommend against grading systems; both the Food and Drug Administration and the Kansas Department of Health and Environment do not support the continued use of grading systems.

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The City contracts with the KDHE for restaurant inspection services. The annual contract amounts to approximately \$ 350,000.

The Department of Law has drafted the necessary implementing ordinance to comply with KDHE requirements and recommendations to eliminate the grading system of food establishments.

Mayor Mayans Mayor Mayans inquired if anyone wished to be heard.

Council Member Lambke Council Member Lambke said that he did not see anything in the Ordinance about health examinations.

Jack Brown Environmental Health Director, stated that is part of the state and federal regulations that we are operating under through our contract with KDHE.

Mike Casey Mike Casey, Vice President of Marketing for the Kansas Restaurant and Hospitality Association, located in Wichita. He is attending today's meeting on behalf of their president and CEO, Dennis Carpenter, who is presently involved in the Kansas Food Protection Conference in Lawrence. The Kansas Restaurant Hospitality Association is the leading business association for restaurants, hotels and allied businesses in Kansas. On behalf of KRHA members, he would like to add support to the City of Wichita Environmental Health Department in their efforts to eliminate the current grading scale for restaurant inspections. While KRHA strongly supports the inspection process, they have several concerns regarding the continuation of the grading system. States that the grade is merely a snapshot and can be misleading to the public, either positively or negatively. KDHE no longer recommends the grading scale for restaurants and Wichita is the only City that continues to use this system in the state. KDHE has also recommended the elimination of the grading scale in Wichita to further provide a consistency with state standards and practices.

Motion-- Mayans moved that the modification of Chapter 7.20 of the City Code to eliminate mandatory grading of food service establishments be approved; and the Ordinance be placed on first reading. Motion
-- carried carried 7 to 0.

ORDINANCE

An Ordinance amending Sections an Ordinance amending Sections 7.20.010, 7.20.020, 7.20.030, 7.20.040, 7.20.050 of the Code of the City of Wichita, Kansas pertaining to restaurants , introduced and under the rules laid over.

BOND REGISTRAR CONTRACT REGARDING CITY'S BOND REGISTRAR AND PAYING AGENT.

Kelly Carpenter Acting Finance Director reviewed the Item.

Agenda Report No. 03-1128

In October 1994, the City entered into a contract with JPMorgan Chase Bank, N.A. (formerly Chase Manhattan Bank, N.A.) to provide Paying Agent and Bond Registrar services for the bonds. Over the last several years, numerous errors have occurred and JPMorgan has been less than responsive thus initiating the need to secure a new agency to provide bond registrar and paying agent activities.

The State Treasurer is registrar and paying agent for approximately 89% of all Kansas municipalities. Analysis demonstrated the State's on-going fee schedule is lower than the current contract with JP Morgan Chase. Finance staff along with Bond Counsel toured the State's facilities and verified references to determine the State's ability to handle an account as large as the City of Wichita. The service level, professional staffing, efficiency of services provided and competitive fee schedule, as well as keeping business at home, makes the State's offer exceedingly better than that proposed by JP Morgan Chase Bank. The first bond issue to be handled by the State of Kansas would be dated February 1, 2004. The transfer of all outstanding issues and notification to bond holders of the paying agent change should be completed by July 2004.

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The State will charge a one-time fee of \$20,000 to transfer all records from JPMorgan Chase to the State. In addition, \$12.00 per bondholder per issue plus \$1.25 per certificate at maturity will be charged on the 16 registered series of bonds. There are no additional fees associated with the 40 book-entry-only series of bonds. Over the life of the City's outstanding debt, it is estimated that approximately \$150,000 in fees will be saved. Funds are available through the bond issuance account.

Mayor Mayans Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion-- Mayans moved that the Law Department notify JPMorgan Chase of the City's intent to terminate its Contract and that an Agreement with the State to act as Paying Agent and Bond Registrar for City of Wichita Securities, be initiated. Motion carried 7 to 0.
-- carried

ABATEMENT FUNDS TRANSFER OF NUISANCE ABATEMENT FUNDS.

Jack Brown Environmental Health Director reviewed the Item.

Agenda Report No. 03-1129

The City Council has established as one of its primary goals the improvement and enforcement of City Codes. The implementation of the Joint Code Enforcement program has increased the number of inoperable vehicles removed and property clean-ups. This increased activity has depleted the amount of funding available for these neighborhood services. To meet the number of nuisance abatements projected to the end of the year, a transfer of \$50,000 from the Environmental Maintenance Contingency (to the Environmental Maintenance Lot Cleanup account) is requested.

The Environmental Maintenance Contingency was created to supplement or increase funding for property cleanup, towing of inoperable vehicles, and weed mowing to abate environmental nuisances, as may be required for the fiscal year. Local ordinance and State laws allow the City to abate nuisances after proper notification of the responsible party. A private contractor performs the work, and the City bills the cost to the property owner directly, or as a special property tax assessment.

The 2003 budget an appropriation of \$ 119,000 to fund lot cleanup and inoperable vehicle towing activities, with an additional \$ 94,100 in a contingency account available for transfer during the year should nuisance abatement activity warrant it. To date, 340 properties have been cleaned up and the City's contractors have towed 146 vehicles. Twenty lot cleanup work orders are awaiting issuance to contractors, and twenty-six additional inoperable vehicles have been approved for towing. Additional cases are also in process, and will require abatement prior to years' end. A request for a budget transfer of \$50,000 will allow continuance of planned neighborhood enforcement activities.

To provide maximum discretion to the City Council, the 2003 budget included nuisance abatement funding in a contingency account of the Environmental Maintenance budget. A budget adjustment is required to transfer \$50,000 appropriation from this contingency account into a contractual line item of the Environmental Maintenance Lot Cleanup budget before it can be expended for the increased number of nuisance abatement projects.

City Council approval is required for budget adjustments in excess of \$10,000.

Mayor Mayans Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion-- Mayans moved that the budget adjustment transferring \$50,000 from the Environmental Maintenance contingency (OCA 149070) to Environmental Maintenance Lot Cleanup contractual (OCA 149062.) be approved. Motion carried 7 to 0.
--carried

132 NORTH MOSLEY 132 NORTH MOSLEY-BUILDING REQUEST. (DISTRICT VI)
(Pulled at the request of Council Member Fearey)

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LEGIS. PROGRAM

PROPOSED 2004 CITY OF WICHITA LEGISLATIVE PROGRAM.

Chris Cherches City Manager stated that because of the importance of the subject, the Council may want a more lengthy discussion about some of the bills to develop its priorities for the forth-coming session, which suggests it be deferred to a workshop the latter part of this month.

Motion -- carried Lambke moved that the Item be deferred to a workshop later in the month. Motion carried 7 to 0.

PROPERTY DISP.

SALE OF CITY OWNED PROPERTIES.

John Philbrick Director Property Management reviewed the Item.

Agenda Report No. 03-1132

On July 15, 2003 the City Council designated the properties. Staff was instructed to market these properties through mailings and notices to brokers, real estate firms and investors as well as posting on the Internet, distribution of flyers, property showings, etc. This marketing effort was to continue for ninety days.

During the marketing period, only offers above the minimum price were considered. Potential buyers were instructed to provide information on their proposed use, development time frame, and other pertinent information as well as price. During the marketing period, approximately 350 requests for information on specific properties had been received and over 120 visits to the buildings offered for sale were recorded. At completions, 36 offers in amounts over the minimum price had been received on 15 properties. This does not include offers on property requiring KDOT approval for sale as these approvals have not been received. The proposals were reviewed by a committee of City staff members. The offers are summarized in Exhibit B to this report. Staff recommends accepting the last offer listed for each property.

The City will receive cash consideration from the sale of the properties at closing. Upon sale, the properties will return to the tax rolls and be redeveloped.

Council Member Gray Council Member Gray asked if in regards to real estate commissions, brokers commission, if they are being paid by the purchaser, or by the City, or both.

John Philbrick Director Property Management stated they would be paid by the City.

Council Member Gray Council Member Gray asked if there were recommended actions as what we do with the remainders of the properties that are not being sold today.

John Philbrick Director Property Management stated there is not a recommended action, per se. Most of the properties have already been approved for sale in the past and will continue to be marketed.

Council Member Brewer Council Member Brewer asked about the particular piece of property in the northeast corner of Murdock and Wabash and wanted to know if it was part of the McAdams Revitalization Plan.

John Philbrick Director Property Management stated that Planning had indicated that there was a potential for that to be used as a gateway, that we've asked for additional information on that, and this might be one to hold until we get the information from Planning.

Council Member Brewer Council Member Brewer said that based on the other things that have actually happened, feels that this should be held off on until it's resolved what's actually happening and what their plans are.

Mayor Mayans Mayor Mayans inquired if anyone wished to be heard and no one appeared.

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Motion --

Gray moved that the sale and contracts be approved, except for the parcel at the northeast corner of Murdock and Wabash, and the necessary signatures be authorized; and that future workshops be held on the Murdock and Wabash Property, and properties that have not be sold at this time. Motion carried 7 to 0.

Carried

CITY COUNCIL AGENDA

APPOINTMENTS

BOARD APPOINTMENTS.

Motion --

-- carried

Lambke moved that the appointment of Ron Franks to the Wichita Employee Retirement Board be approved. Motion carried 7 to 0.

CONSENT AGENDA

Motion --

-- carried

Mayans moved that the Consent Agenda, except Items 31a, 32, 33e and 44, be approved as consensus Items. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED NOVEMBER 3, 2003.

Bids were opened October 24, and October 23, 2003, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Central Street Bridge at Tara (87N-0203-01/472-83801/715696/243112) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Wildcat Construction - \$424,856.95

Planeview EPA Sanitary Sewer Reconstruction Phase 1 - east of Hillside, north of 31st Street South. (468-83675/620378/663499) Traffic to be maintained during construction using flagpersons and barricades. (District III)

WB Carter Construction - \$210,731.00

Water line relocation at the intersection of Lincoln and McLean. (448-89556/636103/771501) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

WB Carter Construction - \$25,846.00

2003 sanitary sewer reconstruction Phase 9 - various locations/north of Pawnee, east of Meridian. (468-83710/620388/663509) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,III,IV,VI)

WB Carter Construction - \$237,000.00

29th Street from Rock Road to Webb Road, Phase 2 Landscaping (472-83519/706841/202307) Does not affect existing traffic. (District II)

Seeder's Inc. - \$78,750.00

Lateral 83, Main 22 War Industry Sewer to serve Brighton Courts Addition - south of 21st Street North, west of Webb. (468-83672/744014/480702) Does not affect existing traffic. (District II)

WB Carter Construction - \$56,726.00

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Hawthorne Street from the south line of Siefkes, south to the north line of Hawthorne Street; on Hawthorne Street from the east line of Turnberry, east and south to the north line of Lot 14, Block A, north to the south line of Lot 20, Block A; on Whitewood from the east line of Turnberry to the west line of Hawthorne Street to serve Shoal Creek Second Addition - south of Central, west of 143rd Street East. (472-83820/765821/490932) Does not affect existing traffic. (District II)

Kansas Paving Company - \$116,381.90

Water supply line along Pawnee to serve Flat Creek Addition - north of Pawnee, east of 119th Street West. (448-89581/735150/470820); AND Water distribution system to serve Flat Creek Addition - north of Pawnee, east of 119th Street West. (448-89584/735149/470819) Does not affect existing traffic. (District V)

Duling Construction - \$64,836.00

Glenwood, from the south line of Lot 1, Block 3, Reed's Cove Second Addition to the south line of Lot 6, Block 2, Reed's Cove Addition; Bridlewood from the west line of Lot 1, Block 3, Reed's Cove Addition to the west line of Glenwood; Sidewalk on one side of Glenwood from the south line of Lot 1, Block 3, Reed's Cove Second Addition to the south line of Lot 6, Block 2, Reed's Cove Addition, and on one side of Bridlewood from the west line of Lot 1, Block 3 Reed's Cove Addition to the west line of Glenwood to serve Reed's Cove & Reed's Cove Second Additions - south of 21st Street North, east of 127th Street East. (472-83770/765823/490934) Does not affect existing traffic. (District II)

Cornejo & Sons Construction - \$104,686.00

Wilson Estates Court serving Lots 1 through 16, Block 1, from the south line of Wilson Estates Parkway to and including the cul-de-sac to serve Wilson Farms 4th Addition - south of 21st Street North, west of Webb. (472-83842/765817/490928) Does not affect existing traffic. (District II)

Cornejo & Sons Construction - \$221,489.40

Main 13, Four Mile Creek Sewer Phase 2 to serve Hawthorne Second Addition -north of 21st Street North, east of 127th Street East.(468-83506/744011 /480699); Lateral 2, Main 13 Four Mile Creek Sewer Phase B to serve Hawthorne Second Addition - north of 21st Street North, east of f127th Street East. (468-83508/744012/480700); And Lateral 3, Main 13 Four Mile Creek Sewer Phase A to serve Hawthorne Second Addition - north of 21st Street North, east of 127th Street East. (468-83509/744013/480701) Does not affect existing traffic. (District II)

Utility Contractors - \$158,392.00 (Total Aggregate bid)

Water distribution system to serve Brighton Courts Addition- south of 21st Street North, west of Webb. (448-89856/735151/470821) Does not affect existing traffic. (District II)

Duling Construction - \$25,399.00

Milstead from the east line of Lot 17, Block D, south to the south line of the plat and on Lotus from the east line of Milstead, east to the east line of the plat. Milstead Court (Lots 26 thru 34, Block D) from the west line of Milstead, west to and including the cul-de-sac, on Milstead Court (Lots 35 thru 43, Block D) from the west line of Milstead west to and including the cul-de-sac; and on Milstead Court (Lots 44 thru 53, Block D) from the west line of Milstead, west to and including the cul-de-sac. Sidewalk along one side of Milstead from the east line of Lot 17, Block D, south to the south line of the plat and on one side of Lotus from the east line of the plat to serve Flat Creek Addition - north of Pawnee, east of 119th Street West. (472-83385/765824/490935) Does not affect existing traffic. (District V)

APAC – Kansas Inc. - \$284,122.75

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12-Inch Water Main in MacArthur from Hoover to Ridge (448-89802 /633764 /633763/753843/753841) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

Mies Construction - \$143,452.00

Motion--

--carried

Mayans moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: Traffic Sign Blanks & Street Name Blades.

Rocal Inc. - \$16,715.00 (Group 1/total net bid)

Vulcan Inc. - \$14,071.50 (Group 2/total net bid)

PUBLIC WORKS DEPARTMENT/TRAFFIC MAINTENANCE DIVISION: Cabinet, Controller Unit, Conflict Monit.

Mid American Signal - \$14,153.00 (Group 1/total net bid)

Gades Sales Co Inc. - \$26,536.00 (Group 2/total net bid)

\$12,300.00 (Group 3/total net bid)

PUBLIC WORKS DEPARTMENT/STREET MAINTENANCE DIVISION: Concrete Saws.

Salisbury Supply Co. - \$41,289.00 (Group 1/total net bid)

PARK DEPARTMENT/MAINTENANCE DIVISION: Ornamental and Shade Trees.

John Deere Landscapes - \$5,350.00 (Group 1/total net bid)

Borst Nursery & Garden Center - \$6,190.00 (Group 2/total net bid)

\$1,478.00 (Group 3/total net bid)

John Deere Landscapes - \$2,340.00 (Group 4/total net bid)

\$1,800.00 (Group 5/total net bid)

\$2,419.20 (Group 6/total net bid)

\$4,020.00 (Group 7/total net bid)

Valley Tree Farm - \$3,650.00 (Group 8/total net bid)

Borst Nursery & Garden Center - \$3,075.00 (Group 9/total net bid)

John Deere Landscapes - \$1,689.20 (Group 10/total net bid)

Valley Tree Farm - \$657.50 (Group 11/total net bid)

Borst Nursery & Garden Center - \$3,475.00 (Group 12/total net bid)

Valley Tree Farm - \$3,637.50 (Group 13/total net bid)

\$2,978.50 (Group 14/total net bid)

\$3,525.00 (Group 15/total net bid)

No Bids Received (Group 16)

John Deere Landscapes - \$3,942.00 (Group 17/total net bid)

Borst Nursery & Garden Center - \$3,397.50 (Group 18/total net bid)

No Bids Received (Group 19)

No Bids Received (Group 20)

No Bids Received (Group 21)

Borst Nursery & Garden Center - \$3,797.50 (Group 22/total net bid)

Valley Tree Farm - \$1,856.25 (Group 23/total net bid)

No Bids Received (Group 24)

John Deere Landscapes - \$3,346.40 (Group 25/total net bid)

\$4,676.50 (Group 26/total net bid)

Valley Tree Farm - \$7,420.00 (Group 27/total net bid)

John Deere Landscapes - \$3,027.50 (Group 28/total net bid)

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Valley Tree Farm - \$1,327.00 (Group 29/total net bid)
John Deere Landscapes - \$9,800.00 (Group 30/total net bid)
Loma Vista Nursery Inc. - \$3,860.00 (Group 31/total net bid)
John Deere Landscapes - \$4,687.00 (Group 32/total net bid)
No Bids Received (Group 33)
Valley Tree Farm - \$2,800.00 (Group 34/total net bid)
John Deere Landscapes - \$3,175.00 (Group 35/total net bid)
\$6,350.00 (Group 36/total net bid)
\$4,223.00 (Group 37/total net bid)
\$4,103.50 (Group 38/total net bid)
\$ 756.00 (Group 39/total net bid)

WATER & SEWER DEPARTMENT/ WATER DISTRIBUTION DIVISION: Fire Hydrants.

Wichita Winwater Works - \$34,570.00 (Group 1/total net bid*)

PARK & RECREATION DEPARTMENT/MAINTENANCE DIVISION: Fertilizer and Herbicides.

Pueblo Chemical Supply - \$4,301.00 (Group 1/total net bid)
Van Diest Supply Co. - \$2,255.87 (Group 2/total net bid)
Estes Inc. - \$4,676.00 (Group 3/total net bid)
Van Diest Supply Co - \$1,473.84 (Group 4/total net bid)
Vegetation Management Supply Inc. - \$1,181.25 (Group 5/total net bid)
Van Diest Supply Co - \$1,416.60 (Group 6/total net bid)

Motion--
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0

LICENSES

APPLICATION FOR LICENSE FOR ADULT ENTERTAINMENT ESTABLISHMENTS/SERVICES:

Escort Service Renewal:

Sandra Jean Lacy	Prime Time Entertainment	1123 East Waterman
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New Escort Service

Marvin Gehrke	M.J. Management	304 South Laura
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Motion--
--carried

Mayans moved that the licenses, subject to Staff review and approval, be approved. Motion carried 7 to 0.

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
Teresa A. Vasquez	El Patio Inc.*	424 East Central
Michael J. Keays	GodFather's Pizza #17019*	2106 Amidon
William H. Smith	WSU dba Rhatigan Student Center*	1845 Fairmount
<u>Renewal</u>	<u>2003</u>	<u>(Consumption off Premises)</u>
Don Farquhar	Rolling Hills CC Golf Shop	9612 West Maple

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<u>New Establishment</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
Daniel D. Dean	Dutch's Café and Steak House*	1155 South Washington

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--
--carried

Mayans moved that the licenses, subject to Staff review and approval, be approved. Motion carried 7 to 0.

PRELIM ESTS.

PRELIMINARY ESTIMATES:

- a) Water main replacement along Harry, Oliver to Woodlawn - 448-89700/636116/772513. Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$540,000.00
- b) Water line replacement in Central Street Bridge at Tara - 448-89552/636104/771502. Three lanes for traffic to be maintained during construction using flagpersons and barricades. (District III) - \$105,000.00
- c) Water distribution system to serve Shoal Creek Second Addition - south of Central, west of 143rd Street East. (448-89861/735147/470817) Does not affect existing traffic. (District II) - \$83,000.00
- d) Maple Street from 119th to 135th, Phase 2 Landscaping. (472-83262/706817/201283) Does not affect existing traffic. (District V) - \$65,486.30.
- e) Storm Water Sewer #592 to serve Reed's Cove Addition (south of 21st Street North, east of 127th Street East) (468-83571/751346/485237) Does not affect existing traffic. (District II) - \$173,000.00.
- f) Brush Creek from the south line of Westlake Parkway to the south line of Lot 134, Block 4; Brush Creek Court serving Lots 18 through 25, Block 5 (Phase 1) to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (472-83785/765813/490924) Does not affect existing traffic. (District V) - \$256,000.00
- g) Red Fox from the south line of Westlake Parkway to the south line of Silver Hollow; Silver Hollow from the east line of Red Fox Circle to the east line of Lot 106, Block 4; Silver Hollow Court from the south line of Silver Hollow to and including the cul-de-sac serving Lots 97 thru 106, Block 4 (Phase 2) to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (472-83786/765814/490925) Does not affect existing traffic. (District V) - \$293,000.00.
- h) Den Hollow from the south line of Westlake Parkway to the south line of Lot 48, Block 4 (Phase 3) to serve Fox Ridge Addition (north of 29th Street North, west of Tyler) (472-83787/765815/490926) Does not affect existing traffic. (District V) - \$182,000.00.
- i) Zoo Boulevard from Central to Westdale, Phase 2 Landscaping (472-83442/706832/202298) Does not affect existing traffic. (District VI) - \$54,885.00
- j) Left and Right Turn Lanes on Webb Road to serve The Waterfront Addition and Adjacent Tract (north of 13th, east of Webb) (472-83700/765799/490910) Traffic to be carried through construction. (District II) - \$393,000.00

Motion--carried

Mayans moved that the Preliminary Estimates be approved and filed. Motion carried 7 to 0.

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DEEDS & EASEMENTS DEEDS AND EASEMENTS:

- a) Sanitary Sewer Easement dated April 30, 2003 from Royal Associates, an Illinois partnership for tracts of land located in Lot 1, the Landing 2nd Addition, Wichita, Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.
- b) Drainage Easement dated July 8, 2003 from Rita A. Neville as Trustee of Neville Trust III for a tract of land located in Lot 1, Tyler Acres Fifth Addition, Wichita, Kansas (Private Project, OCA #607861). No cost to City.
- c) Utility Easement dated September 15, 2003 from Donald Walenta for a tract of land located in Lot 1, Block B, Ann Walenta Addition, Wichita, Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.
- d) Sanitary Sewer Easement dated August 13, 2003 from the Charles R. Woodard & Connie L. Woodard Trusts for a tract of land located in the Southwest Quarter of Sec. 28, Twp. 26 S, R-1-W of the 6th P.M., Sedgwick County, Kansas. (Main 19, Ph. 4, OCA #743990). No cost to City.
- e) Utility Easement dated August 13, 2003 from the Charles R. Woodard & Connie L. Woodard Trusts for a tract of land located in the Southwest Quarter of Sec. 28, Twp. 26 S, R-1-W of the 6th P.M., Sedgwick County, Kansas. (Main 19, Ph. 4, OCA #743990). No cost to City.
- f) Dedication dated July 16, 2003 from Sycamore Village Homeowner's Association for a tract of land in the Reserve, Block 3, Waterford North, an addition to Wichita, Sedgwick County, Kansas. (Rock, 22-29, OCA #706844). No cost to City.
- g) Dedication dated September 8, 2003 from Bluestem Village Homeowner's Association for a tract of land in Reserve D, Block 1, Bluestem Village Second, and Addition to Wichita, Sedgwick County, Kansas (Rock, 22-29, OCA #706844). No cost to City.
- h) Dedication dated September 8, 2003 from Bluestem Village Homeowner's Association for a tract of land in Reserve F, Block 1, Bluestem Village Second, and Addition to Wichita, Sedgwick County, Kansas (Rock, 22-29, OCA #706844). No cost to City.
- i) Dedication dated September 30, 2003 from Tom L. Kirk and John C. Voth for a tract of land in Lot 9, Block 11, Parkwilde Addition, Wichita, Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.

Motion--carried

Mayans moved that the documents be accepted. Motion carried 7 to 0.

STATEMENT COST STATEMENTS OF COST:

- a) Two-Way Main Street (Design). Total Cost - \$32,187.04; (less idle fund interest - \$1,310.66, - plus temporary note financing - \$0, - less financing previously issued - \$925.04 - less financing from interfund transfers - \$30,000.00). Financing to be issued - \$1,262.00 (706797/472-83203/200-269).
- b) Hillside, 17th Street to 21st Street (Design). Total Cost - \$68,390.83; (less idle fund interest - \$188.83; plus temporary note financing - \$0, less interfund transfer - \$30,000.00, less financing previously issued - \$30,000.00). Financing to be issued at this time - \$8,202.00. (706821/472-83361/201-287).
- c) 1995 Intersection Reconstruction Program. Total Cost - \$1,027,576.93 (plus idle fund interest - \$21,526.08; plus temporary note financing - \$841.19; less KDOT reimbursement - \$220,960.54; less interfund transfers - \$800,000.00; less state operating grant - \$500.00; less financing previously issued - \$50,000.00; plus cash transferred out - \$22,996.34). Financing to be issued at this time - \$1,480.00. (706093/472-82558/405-163).

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PARTIAL STATEMENTS OF COST:

- a) (Ninth Partial) Estimate of Cost for improving 1998/1999 Arterial Corridor Improvement Program - \$1,725,000; less financing previously issued - \$1,695,000. Financing to be issued at this time - \$30,000. (706705/472-82932/208-224).
- b) (Second Partial) Estimate of Cost for improving Intersection of 21st Street North and 119th Street West (Construction) - \$100,000; less financing previously issued - \$50,000. Financing to be issued at this time - \$50,000. (710216/472-83609/231-078).
- c) (Second Partial) Estimate of Cost for improving Hillside, Kellogg to Central (Design)- \$105,000; less financing previously issued - \$75,000. Financing to be issued at this time - \$30,000. (706820/472-83361/201-286).
- d) (Fourth Partial) Estimate of Cost for improving Sidewalks and Wheelchair Ramps, Phase 1 (Construction) - \$535,000; less financing previously issued - \$507,000. Financing to be issued at this time - \$28,000. (706828/472-83437/202-294).
- e) (Third Partial) Estimate of Cost for improving Hillside, Kellogg to Central (Construction) - \$207,000; less financing previously issued - \$196,000. Financing to be issued at this time - \$11,000. (706834/472-83453/202-300).
- f) (Second Partial) Estimate of Cost for improving 29th, Maize to Tyler (Design) - \$30,000; less financing previously issued - \$20,000. Financing to be issued at this time - \$10,000. (706837/472-83505/202-303).
- g) (Second Partial) Estimate of Cost for improving Hillside, 17th Street to 20th Street - \$1,215,000; less financing previously issued - \$575,000. Financing to be issued at this time - \$640,000. (706842/472-83537/202-308).
- h) (Second Partial) Estimate of Cost for improving Wheelchair Ramps & Sidewalks 2003 - \$400,000; less financing previously issued - \$360,000. Financing to be issued at this time - \$40,000. (706847/472-83660/203-313).
- i) (First Partial) Estimate of Cost for improving Harry Street, Oliver to Woodlawn (Construction) - \$12,000; less financing previously issued - \$0. Financing to be issued at this time - \$12,000. (706852/472-83685/203-318).
- j) (First Partial) Estimate of Cost for improving Douglas at Oliver Intersection (Design) - \$11,000; less financing previously issued - \$0. Financing to be issued at this time - \$11,000. (706853/472-83755/203- 319).
- k) (First Partial) Estimate of Cost for Meridian, 31st Street to Pawnee (2003 Arterial Street Design)- \$15,000; less financing previously issued - \$0. Financing to be issued at this time - \$15,000. (706854/472-83756/203-320).
- l) (First Partial) Estimate of Cost for improving 29th Street, ½ Mile East of Ridge to West Street (Design) - \$25,000; less financing previously issued - \$0. Financing to be issued at this time - \$25,000. (706855/472-83753/203-321).
- m) (First Partial) Estimate of Cost for Woodlawn, Central to 13th Street (Design) - \$50,000; less financing previously issued - \$0. Financing to be issued at this time - \$50,000. (706857/472-83758/203-323).
- n) (First Partial) Estimate of Cost for 29th Street North, Tyler to Ridge (Design) - \$20,000; less financing previously issued - \$0. Financing to be issued at this time - \$20,000. (706856/472-83751/203-322).

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- o) (First Partial) Estimate of Cost for improving Intersection of Tyler at Yosemite (Design) - \$15,000; less financing previously issued - \$0. Financing to be issued at this time - \$15,000. (706859/472-83757/203-325).
- p) (First Partial) Estimate of Cost for improving Central, Oliver to Woodlawn (Design) - \$70,000; less financing previously issued - \$0. Financing to be issued at this time - \$70,000. (706862/472-83754/203-328).
- q) (Sixth Partial) Estimate of Cost for improving Hydraulic, 57th Street South to MacArthur - \$4,404,670; less financing previously issued - \$4,315,670. Financing to be issued at this time - \$89,000. (706810/472-83324/201-275).
- r) (Fifth Partial) Estimate of Cost for improving 2001 Arterial Street Design Program (Design) - \$280,000; less financing previously issued - \$230,000. Financing to be issued at this time - \$50,000. (706811/472-83314/201-201-276).
- s) (Second Partial) Estimate of Cost for Central, Maize to Tyler - \$705,865; less KDOT reimbursements - \$505,865, less financing previously issued - \$20,000. Financing to be issued at this time - \$180,000. (706848/472-83659/203-314).
- t) (Third Partial) Estimate of Cost for 29th Street North, Rock to Webb - \$906,092; less KDOT reimbursements - \$506,092, less financing previously issued - \$65,000. Financing to be issued at this time - \$335,000. (706841/472-83519/202-307).

Motion--carried

Mayans moved that the Statements of Cost be approved. Motion carried 7 to 0.

SANITARY SEWER

CONSTRUCT A SANITARY SEWER TO SERVE PART OF KILLENWOOD POINTE ADDITION-SOUTH OF 13TH STREET, EAST OF GREENWICH. (DISTRICT II)

Agenda Report No. 03-1133

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will extend sanitary sewer service to a residential development located south of 13th, east of Greenwich.

The Petition totals \$37,400. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion-- carried

Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-568

Resolution of findings of advisability and resolution authorizing construction of Lateral 359 Four Mile Creek Sewer (south of 13th, east of Greenwich) 468-83724, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures submitted.

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CHANGE ORDERS

STREET PAVING IN TARA FALLS ADDITION-SOUTH OF HARRY, EAST OF GREENWICH. (DISTRICT II)

Agenda Report No. 03-1151

The proposed Agreement between the City and Ruggles & Bohm, P.A. (R&B) provides for the design of bond financed improvements in Tara Falls Addition. Per Administrative Regulation 7a, staff recommends the selection of R&B as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$34,200, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

HILLSIDE IMPROV.

HILLSIDE IMPROVEMENT, BETWEEN 17TH STREET AND 21ST STREET. (DISTRICT I)

Agenda Report No. 03-1135

On May 6, 2003, the City Council approved a construction contract to improve Hillside between 17th and 21st. In order to accommodate elevation differences between the street right-of-way and adjacent private property, a new retaining wall and fencing is needed. In addition, two old storm water drains near the new pavement need to be repaired.

A Change Order has been prepared for the additional work. Funding is available within the project budget.

The total cost of the additional work is \$20,088. The funding source is General Obligation Bonds.

The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion --
-- carried

Mayans moved that the Change Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

PAVING

STREET PAVING IN THE WATERFRONT ADDITION-NORTH OF 13TH STREET, EAST OF WEBB. (DISTRICT II)

Agenda Report No. 03-1136

On January 7, 2003, the City Council approved a construction contract to pave streets in The Waterfront Addition, a new commercial development located north of 13th, east of Webb. The developer of the addition has requested that the project be expanded to include a long serpentine sidewalk and several driveway approaches. Wheelchair ramps are also being modified to comply with new Federal regulations.

Funding is available within the project budget.

The total cost of the additional work is \$38,520. The funding source is special assessments.

The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion --
-- carried

Mayans moved that the Change Order be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

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(Agenda Item No. 31a)
POPULATION/EMP.

UPDATE POPULATION AND EMPLOYMENT FORECASTS-CONSULTANT SELECTION.

Agenda Report No. 03-1137

Long-term population and employment data is used in land use and transportation planning activities. This data is also used to update the Wichita-Sedgwick County Comprehensive Plan.

A Request for Proposal was sent to four consultants to update the Population and Employment Forecast Sedgwick County, Kansas, 2000-2030. The consultant will develop a forecast model and using data from the 2000 Census and other sources will project population and employment in the Metropolitan Statistical Area through the year 2030.

One proposal was received in response to this Request for Proposal. The proposal was received from the Center for Economic Development and Business Research at Wichita State University.

The long-term population and employment data was last updated in 1997. The Center for Economic Development and Business Research at Wichita State University was the consultant that successfully completed that project.

The proposal from Wichita State University was to update the population and employment forecast at a cost of \$11,950. Funds are available from the Unified Planning Work Program budget to finance the hiring of a consultant for this project.

Motion --

Fearey moved that the selection of the Center for Economic Development and Business Research at Wichita State University be selected to update the Population and Employment Forecast-Sedgwick County, Kansas, 2000-2030; the Contract be approved; and that the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

HISTORIC PRES.

CONTRACT FOR SERVICES FOR HISTORIC PRESERVATION FUND GRANT 20-03-18216-013 ECONOMIC BENEFIT ANALYSIS.

Agenda Report No. 03-1138

The City Council authorized the City Manager to sign the agreement to receive grant funds for this project. City Council action is needed to authorize the City Manager to execute the contract to conduct the survey as described in the scope of work in the grant agreement.

The consultant will write a report evaluating economic benefits for properties located in designated historic districts and provide a comparative analysis of historic district design guidelines with subdivision/ homeowner association covenants. The amount of the contract is \$11,927.00.

Motion--

Mayans moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

KCC

FY 2004 GRANT WITH THE KANSAS CORPORATION COMMISSION.

Agenda Report No. 03-1139

For the past nineteen (19) years Wichita Transit has filed for KCC funding to support the local rideshare program and special transportation development/ coordination activities.

This year's grant will be a continuation of that effort, which includes mostly labor costs, with training and marketing, to promote all ground transportation services from buses to vans to carpools. Major employers will be targeted for some level of corporate sponsorship of public transit. Additionally, staff will be conducting continuing research on the feasibility of implementing Intelligent Transportation Systems (ITS) type of service for our operations, including the automatic vehicle locator (AVL),

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geographic information system (GIS), and electronic fare collection per Wichita Transit's Operational Plan. Finally, staff will continue its brokering effort to place/match individuals for transportation services available throughout the region.

The KCC grant request is for \$10,000. There will be no City funds used to support these activities.

The City's Law Department will review the contract prior to execution as to form.

Motion--
--carried

Mayans moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

(Agenda Item No. 32)
CONTRACTS

NOTIFICATION OF CONTRACTS - REPORT

Mayor Mayans

Mayor Mayans stated that on the second page of the Report where Contracts and Agreements are listed, blanket purchase orders renewal options, it lists "Employee Benefit Consultant Services, David M. McCleerey", and he thought that we were no longer going to be involved with that situation and the Contract was being cancelled.

Gary Rebenstorf

Director of Law stated that the Contract has been cancelled and a notice of cancellation had been sent.

Mayor Mayans

Mayor Mayans asked if it was probably just inadvertent not omitted.

Gary Rebenstorf

Director of Law replied in the affirmative.

Motion -- carried

Mayans moved that the Report be received and filed. Motion carried 7 to 0.

DESIGN SERVICES

WILLOWBEND NORTH ESTATES SECOND ADDITION, WEST OF ROCK, SOUTH OF 45TH STREET NORTH. (DISTRICT II)

Agenda Report No. 03-1141

The City Council approved the project on August 12, 2003.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Willowbend North Estates 2nd Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$28,200, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

SHOAL CREEK SECOND ADDITION, WEST OF 143RD STREET EAST, SOUTH OF CENTRAL. (DISTRICT II)

Agenda Report No. 03-1142

The City Council approved the project on September 9, 2003.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Shoal Creek 2nd Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$20,500, and will be paid by special assessments.

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Motion-- Mayans moved that the Agreement/Contract be approved and the necessary signatures be authorized.
--carried Motion carried 7 to 0.

DESIGN SERVICES **FLAT CREEK ADDITION, EAST OF 119TH STREET WEST, NORTH OF PAWNEE.**
(DISTRICT V)

Agenda Report No. 03-1143

The City Council approved the project on June 5, 2001.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Flat Creek Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$40,400, and will be paid by special assessments.

Motion-- Mayans moved that the Agreement/Contract be approved and the necessary signatures be authorized.
--carried Motion carried 7 to 0.

DESIGN SERVICES **CRYSTAL CREEK ADDITION, NORTH OF HARRY, WEST OF GREENWICH.**
(DISTRICT II)

Agenda Report No. 03-1144

The City Council approved the project on August 5, 2003.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Crystal Creek Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$99,800, and will be paid by special assessments.

Motion-- Mayans moved that the Agreement be approved and the necessary signatures be authorized.
--carried Motion carried 7 to 0.

(Agenda Item No. 33e)
DESIGN SERVICES **WEST LEARJET WAY IMPROVEMENTS, EAST OF TYLER. (DISTRICTS IV AND V)**

Agenda Report No. 03-1145

On May 6, 2003, the City Council approved a package of economic incentives for Bombardier Aerospace Learjet Inc. One part of the package was road and drive improvements to the plant located south of Kellogg, east of Tyler. The Staff Screening and Selection Committee has selected Poe & Associates to prepare construction plans. The project will reconstruct and improve drainage of West Learjet Way and a parallel service road.

The estimated project cost is \$550,000 with the total paid by the City. The funding source is General Obligation Bonds.

Motion-- Mayans moved that the project and the design contract be approved; the Resolution be adopted and the
--carried necessary signatures authorized. Motion carried 7 to 0.

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RESOLUTION NO. 03-584

A resolution authorizing the issuance of Bonds by the City of Wichita at Large to pave West Learjet Way and a parallel service road east of Tyler (472-83845), presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

DESIGN SERVICES

SUPPLEMENTAL AGREEMENT FOR CONSTRUCTION ENGINEERING SERVICES FOR MAPLE FROM 119TH STREET TO 135TH STREET WEST-LANDSCAPING. (DISTRICT V)

Agenda Report No. 03-1146

On February 9, 1999, the City approved an Agreement with Ruggles & Bohms, P.A. (R&B) to design the improvements. The Design Agreement with R&B requires R&B to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for construction engineering for the landscaping on Maple from 119th Street to 135th Street West. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$4,900 and will be paid by General Obligations Bonds.

Motion--

--carried

Mayans moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

SUPPLEMENTAL AGREEMENT FOR 21ST STREET NORTH BRIDGE OVER WEST BRANCH CHISHOLM CREEK. (DISTRICT VI)

Agenda Report No. 03-1147

On April 16, 2002, the City approved an Agreement with Cook, Flatt & Strobel Engineers, P.A. (CF&S) for designing improvements to the 21st Street North Bridge over the West Branch Chisholm Creek at St. Francis. The fee was \$43,970.

CF&S has been asked by the Water Department to lowering or relocate the existing 20" water line. The proposed Supplemental Agreement between the City and CF&S provides for additional design services.

Payment will be on a lump sum basis of \$7,830 and will be paid by Revenue Bonds.

Motion--

--carried

Mayans moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

SUPPLEMENTAL AGREEMENT FOR CONSTRUCTION ENGINEERING AND STAKING FOR TYLER'S LANDING ADDITION, SOUTH OF 37TH STREET NORTH, EAST OF TYLER. (DISTRICT V)

Agenda Report No. 03-1148

The City Council approved the project on January 7, 2003. On August 19, 2003, the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for construction engineering and staking for the improvements in Tyler's Landing Addition. Due to the current

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workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$14,700 and will be paid by special assessments.

Motion--

--carried

Mayans moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

SUPPLEMENTAL AGREEMENT FOR CONSTRUCTION ENGINEERING AND STAKING FOR SOUTHERN RIDGE ADDITION, SOUTH OF PAWNEE, WEST OF MAIZE. (DISTRICT IV)

Agenda Report No. 03-1149

The City Council approved the project on December 17, 2002. On March 4, 2003, the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for construction engineering and staking for the improvements in Southern Ridge Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$75,010 and will be paid by special assessments.

Motion--

--carried

Mayans moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

SUPPLEMENTAL AGREEMENT FOR CONSTRUCTION ENGINEERING AND STAKING FOR THE FAIRMONT ADDITION, NORTH OF FIRST STREET, WEST OF 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 03-1150

The City Council approved the project on February 5, 2002. On August 5, 2003, the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for construction engineering and staking for the improvements in The Fairmont Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$8,830 and will be paid by special assessments.

Motion--

--carried

Mayans moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

TARA FALLS ADDITION-SOUTH OF HARRY, EAST OF GREENWICH. (DISTRICT II)

Agenda Report No. 03-1151

The City Council approved the project on September 16, 2003.

The proposed Agreement between the City and Ruggles & Bohm, P.A. (R&B) provides for the design of bond financed improvements in Tara Falls Addition. Per Administrative Regulation 7a, staff

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recommends the selection of R&B as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$34,200, and will be paid by special assessments.

Motion--

--carried

Mayans moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

DESIGN SERVICES

KINGSTON COVE SECOND ADDITION-27TH STREET SOUTH, WEST OF MCLEAN BOULEVARD. (DISTRICT IV)

Agenda Report No. 03-1152

The City Council approved the project on October 21, 2003.

The proposed Agreement between the City and Poe & Associates of Kansas, Inc. provides for the design of bond financed improvements in Kingston Cove 2nd Addition. Per Administrative Regulation 7a, staff recommends the selection of Poe as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$10,000, and will be paid by special assessments.

Motion--

--carried

Mayans moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

DESIGN SERVICES

THE WATERFRONT ADDITION-NORTH OF 13TH STREET, EAST OF WEBB. (DISTRICT II)

Agenda Report No. 03-1153

The City Council approved the project on March 25, 2003.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements in The Waterfront Addition. Per Administrative Regulation 7a, staff recommends the selection of MKEC as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$17,780, and will be paid by special assessments.

Motion--

--carried

Mayans moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF A PORTION OF 1300 AZURE LANE; 13TH STREET/COWSKIN CREEK BRIDGE PROJECT. (DISTRICT V)

Agenda Report No. 03-1154

The City Council has approved the construction of a new bridge over the Cowskin Creek at 13th street North. Part of the planned development calls for widening the right-of-way for 13th Street on the west side of the creek. This will require the acquisition of part of the property owned by Brett and D'Anna Kunselman at 1300 Azure.

The tract acquired for right-of-way contains approximately 11,319 square feet. A temporary easement containing 9,318 square feet is also required. The owner has agreed to sell the required parcel to the City for \$11,319 (\$1.00 per square foot) and grant the temporary easement at no cost.

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A budget of \$11,500 is requested for the acquisition.

Motion--
--carried

Mayans moved that the budget and real estate purchase contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

EMINENT DOMAINE ACQUISITION BY EMINENT DOMAIN OF TRACTS REQUIRED FOR THE 1ST AND 2ND STREET DRAINAGE OUTFALL PROJECT. (DISTRICTS IV AND VI)

Agenda Report No. 03-1155

On November 19, 2002, the City Council approved the project location and initiation of acquisition for the First and Second Street Drainage Outfall Project. The project will require acquisition of land or easements from five properties. One property, 202 North Gow, remains to be acquired. A temporary easement from 101 North McComas is also required.

City staff has been attempting to negotiate a purchase of 202 North Gow but have been unable to reach an agreement with the owners. The property was appraised for \$110,000 and the appraised value offered to the owners. The owners requested \$300,000 but have provided no support for the counter offer. The temporary easement at 101 North McComas was valued at \$2,000. The owners want this amount plus other items estimated at over \$50,000. Staff will continue to negotiate with the owners, but due to the construction schedule for the project, eminent domain proceedings need to be initiated.

The cost of the acquisitions will be paid for by the City at large.

Motion --
-- carried

Mayans moved that the Resolution be adopted; the Ordinance providing for the acquisition by eminent domain of certain real property and directing the City Attorney to file the appropriate proceedings in the District Court to accomplish such acquisition be placed on first reading. Motion carried 7 to 0.

RESOLUTION NO. 03-569

A Resolution declaring the necessity for acquiring private property for the use of the City of Wichita in connection with planned First and Second Street Drainage Outfall Project, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCE

An Ordinance declaring Central Avenue, between Woodlawn and Rock (472-83874) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

CONDEMNATIONS REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report -03-1156

On October 13, 2003 the Board of Code Standards (BCSA) held a hearing on the following two (2) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

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Property Address

a. 4237 East. Menlo

b. 2626 N. Estelle

Council District

III

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These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion--

Mayans moved that the Resolutions scheduling a hearing and place these matters on the agenda for a Hearing before the Governing Body on December 16, 2003 at 9:30 a.m. or as soon thereafter be adopted. Motion carried 7 to 0.

--carried

RESOLUTION NO. 03-565

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 76, Block G, Hilltop Manor, a replat of parts of Hilltop Manor and Hilltop Manor Second Addition, being a subdivision in Section 26, Township 27 south, Range 1 east of the 6th P.M., Sedgwick County, Kansas known as 4237 East Menlo may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, introduced and under the rules laid over.

RESOLUTION NO. 03-566

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as Lot 8, Block 9, Ridgecrest Add., Wichita, Sedgwick County, Kansas known as 2626 North Estelle, Sedgwick County, Kansas known as may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, introduced and under the rules laid over.

IRB-RAND.

CITY OF WICHITA, KANSAS TAXABLE INDUSTRIAL REVENUE BONDS, SERIES IX, 2003-RAND GRAPHICS, INC.; SELECTION OF BOND COUNSEL. (DISTRICT IV)

Agenda Report No. 03-1157

In 2001, the City issued a multi-year letter of intent for industrial revenue bond financings to benefit Rand Graphics. The company has requested that the City issue a 2003 series of Bonds, prior to the end of December, to finance a major equipment purchase (and costs of issuance) in an aggregate amount not to exceed \$2,000,000. Ordinarily, the City's general Bond Counsel acts as Bond Counsel in City IRB financings. Because that law firm represents Rand Graphics in many general business matters (including the proposed bond issuance), City policy calls for selection of a different firm to act as Bond Counsel, to avoid any conflict of interest.

The proposed Bond issue is a straightforward issuance of Taxable IRBs under a supplemental indenture, on a parity of lien with the Bonds issued in 2002. The City Attorney's Office requested fee quotes from the three other Bond Counsel firms that have Wichita offices. All three firms responded. The firm of Gilmore & Bell, PC furnished a highly competitive fee quote of \$5,000, plus actual disbursements (estimated at \$800). This was several thousand dollars below the quotes furnished by each of the other responding firms.

Costs of the financing, including the Bond Counsel fee, will be paid by Rand Graphics. Counsel for the company has indicated that Rand Graphics is satisfied with the fee quote obtained from Gilmore & Bell, PC.

The City Attorney's Office has reviewed the proposed engagement letter, which is in appropriate form and contains appropriate provisions for the services to be performed by Bond Counsel in the course of the proposed financing.

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Motion --
--carried

Mayans moved that the selection of Gilmore & Bell, PC to act as Bond Counsel in this transaction be Approved and the necessary signatures be authorized. Motion carried 7 to 0.

IRB-CHANCE

REDEMPTION NOTICE FOR INDUSTRIAL REVENUE BONDS-CHANCE INDUSTRIES. (DISTRICT IV)

Agenda Report No. 03-1158

On November 5, 1991, the City Council approved the issuance of \$3,500,000 in Industrial Revenue Bonds, Series VIII-1991, to Chance Industries, Inc. (Chance). The proceeds from the sale of the bonds were used to expand, remodel and equip Chance's facility, located at 4219 Irving in west Wichita, and to purchase new equipment. Chance was granted a 100% tax abatement on bond-financed property for a 5-year period and following review by the City Council at the end of five years, the abatement was extended for second five years. The company wishes to pay off the 1991 bonds in advance of their maturity and has asked the City to authorize the giving of notice to bondholders.

Bond documents require the City as issuer to authorize the bond trustee to issue a notice to all registered owners of bonds to be redeemed at least 30 days prior to the date set for redemption. Chance proposes to restructure ownership of its plant and equipment and sell the property to investors who will lease the facilities back to Chance. Redemption of the bonds is therefore contingent on closing the sale of the property. Because of this, the redemption notice to bondholders is conditioned on the receipt by the trustee of the funds from the sale of the property necessary to fund the redemption costs, including all outstanding principal and accrued interest to the redemption date.

There is no cost to the City arising from the giving of notice for the redemption of the Chance IRBs.

The authorization by the City for the issuance of a redemption notice is required by the Chance IRB documents.

Motion--
--carried

Mayans moved that the issuance of a conditional redemption notice for the Series VIII-1991 Industrial Revenue Bonds issued for Chance Industries be approved. Motion carried 7 to 0.

WORKFORCE INV.

AUTHORIZATION TO SUBMIT PROPOSAL FOR WORKFORCE INVESTMENT ACT FUNDS.

Agenda Report No. 03-1159

The Workforce Alliance of South Central Kansas, the board responsible for the administration and operation of the Workforce Investment Act programs in a six-county area that includes Wichita, has issued a Request for Proposals for operation of the Adult and Dislocated Worker services funded by the Act. The RFP specifies \$4.1 million to be available during the next 18 months. All proposals are due on November 14, 2003.

The City of Wichita has operated the WIA Adult program in the six county area since July 1, 2000, and has the expertise and experience to provide services to the Adult and Dislocated Worker customers in the integrated manner specified by the Workforce Alliance.

No City funds are obligated by the proposal.

If successful, the City would be a contractor of the Workforce Alliance.

Motion--
--carried

Mayans moved that the submittal of a proposal to the Workforce Alliance of South Central Kansas for operation of the Workforce Investment Act Adult and Dislocated Worker programs from January 1, 2004, through June 30, 2005 be authorized. Motion carried 7 to 0.

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PUBLIC EXIGENCY PUBLIC EXIGENCY PROJECT-SANITARY SEWER REPAIRS. (DISTRICT III)

Agenda Report No. 03-1160

Recent storms have washed out a portion of the creek bank along Dry Creek, just west of 3614 E. Elmwood. The washout left a 24-inch sanitary sewer exposed in the creek. Sewer Maintenance televised the pipe, and creek water is leaking into the top of the sewer at two joints.

This size of pipe carries a high volume of flow, and the pipe is not currently encased in concrete. Staff recommends lining the pipe with cured-in-place liner that will not only stop infiltration, but will ensure the structural integrity of the pipe during any excavation required to repair the bank, or to encase the pipe.

Staff contacted the three contractors that typically bid on this type of lining project and received one response. Insituform Technologies USA, Inc., submitted the lowest bid at \$41,600. The City Manager approved proceeding with the project on October 20, 2003.

Capital Improvement Program, Reconstruction of Sanitary Sewers (CIP #S-4), has a budget of \$3,850,000 for 2003. This repair will be funded from Sewer Utility Revenues and Reserves and/or a future revenue bond issue.

City Ordinance 2.64.020, "Public Exigency," authorizes the City Manager to approve work to be performed by a contractor without formal bidding.

Motion --
-- carried

Mayans moved that the City Manager's Public Exigency approval of the project be affirmed. Motion carried 7 to 0.

PLAYGROUND AMEN PLAYGROUND AMENITIES AND EQUIPMENT REHABILITATION. (DISTRICT I)

Agenda Report No. 03-1161

The City's Request for Proposal (RFP) was developed to select a vendor to design and construct various playground improvements at the six park sites designated for Community Development Block Grant (CDBG) funding. A pre-proposal conference was held on July 22, 2003 to allow all interested companies to view each of the playground sites, ask questions for clarification and receive technical assistance related to CDBG project management.

The City received three responses to the RFP for Grove Park. The Screening and Selection Committee (SSC) comprised of City staff and community volunteers evaluated proposals for Grove Park. The Committee evaluated proposals based on aesthetics (10%), durability (40%), play value (30%), and cost and installation capability (20%). The Committee selected Athco Inc. and Cunningham and Associates with SiteMasters, Inc. for an October 1, 2003 presentation to a combined meeting of the SSC and the District I Coalition. Cunningham and Associates, in partnership with Sitemasters, Inc., was the selected and recommended vendor for the Grove Park playground system.

The total cost for construction of the Grove Park playground system under this CDBG contract will be \$119,500. On March 5, 2003, Council approved Community Development Block Grant Funding for renovation of the Grove Park playground for \$119,500.

The Law Department will review and approve the purchase contract as to form.

Motion --
-- carried

Mayans moved that the recommendations of the SSC for construction of the Grove Park playground be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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TALKING BOOKS

BLIND AND PHYSICALLY HANDICAPPED-TALKING BOOKS.

Agenda Report No. 03-1162

The Wichita Public Library is one of six library agencies throughout the state that delivers library service to blind and physically handicapped residents of Kansas through contracts with the Kansas State Library. The Wichita site delivers service to eligible customers from all of Sedgwick County and fifteen counties in Southeast Kansas. Although Wichita's participation as a contracting agency has been in place for many years, because federal funds are included in the contract payment, annual contracts renewing the relationship with the State Library are required.

Wichita's ability to house a subregional library for the blind and physically handicapped allows the Wichita Public Library to enhance its service delivery to customers with special needs. While most other customers of this service must rely on toll-free phone and mail access to the library service, Wichita's customers have the added benefit of receiving walk-in service from Wichita's Central branch library. Senior centers, retirement and nursing homes, special education centers and other agencies also benefit from having the subregional staff available locally to promote and/or present training about this important but frequently overlooked program. The contract and budget were reviewed and endorsed by the Library Board of Directors during their October 21, 2003 meeting.

The grant includes a base payment with the remaining value of the contract awarded on the subregional's share of the statewide service delivery. No local match is required. The payment to Wichita for the 2003-2004 year will be \$109,073, an increase of 1.1% from the previous contract. The budget will be enhanced by an additional \$14,727 in funding from the South Central Kansas Library System. All of the funding will be spent on staff support for the program.

Motion --
-- carried

Mayans moved that the 2003-2004 Talking Books Service contract and budget be approved and the necessary signatures be authorized. Motion carried 7 to 0.

INTERLIBRARY

INTERLIBRARY LOAN DEVELOPMENT PROGRAM BUDGET.

Agenda Report No. 03-1163

The Interlibrary Loan Development Program (ILDP) is a collection development grant program available to all types of libraries in Kansas. It is funded by the Kansas State Legislature and administered by the Kansas Library Network Board, a division of the Kansas State Library. ILDP resource grants are distributed automatically each year to 23 public libraries that shoulder the majority of the state's interlibrary loan volume. The Wichita Public Library is one of these agencies. ILDP resource libraries are required to use their grants to buy high-demand materials in designated subject areas. Wichita's assigned subject areas include the social sciences, natural sciences, mathematics, technology, the arts and genealogy.

ILDP collection development grants strengthen the statewide interlibrary loan network. Libraries receiving grants must make all circulating items in their collections available via interlibrary loan. There are no other requirements of resource libraries for program participation. Because the materials are available for use by local library customers when not on loan to other libraries in the state, Wichita's library customer receive a significant and direct benefit from the library's participation in the program.

ILDP funds are 100% grants with no local funding match required. A minimum of 80% of an annual grant award must be spent directly on the purchase of materials. Up to 20% of an award may be used to offset the cost of supplies required to prepare materials for use within the purchasing library or through interlibrary loan to other libraries in Kansas. The 2003-2004 award to Wichita totals \$97,657. The Library proposes the allowed 20% set aside for supplies and 80% budgeted for materials purchases. This materials budget represents 11.4% of the 2003 general fund budget for library materials and will enable significant numbers of additional title purchases in the assigned subject areas. This budget was reviewed and approved by the Library's Board of Directors at its October 21 meeting.

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Motion--
--carried

Mayans moved that the grant award be accepted and the establishment of the grant budget as approved by the Library Board of Directors be authorized. Motion carried 7 to 0.

(Agenda Item No. 44)
USE OF PROPERTY

REQUEST TO USE CITY PROPERTY FOR OFFICE (FILM FESTIVAL)

Agenda Report No. 03-1164

Wichita Association for the Motion Picture Arts (WAMPA)-Tallgrass Film Festival has requested the use of city-owned property for offices. Currently, the City has a building in the East Bank area that could be used on a month-to-month basis. These buildings are scheduled to be demolished in advance of the proposed WaterWalk development.

The building on S. Main Street could accommodate an office space for the Festival use on a temporary month-to-month basis. Inasmuch as the Film Festival is supported by local sponsorships and contributions, the City could offer this space without rental. However, the tenant would be required to provide its own custodial, trash service and share in the cost of the utilities for this building along with any taxes that may be levied.

Under the proposed terms/conditions, there would be no cost to the City for the use of this space.

The City has the authority to rent/lease available buildings.

Motion -- carried

Mayans moved that Staff be authorized to negotiate the Lease Agreement. Motion carried 7 to 0.

LIMOUSINE SERV.

APPROVAL OF CERTIFICATE OF CONVENIENCE AND NECESSITY FOR LACY ALBERT D/B/A/ K&L LIMOUSINE SERVICE.

Agenda Report No. 03-1165

On October 10, 2003, Wichita Transit staff received an application from Mr. Lacy Albert d/b/a K&L Limousine, for a Certificate of Convenience and Necessity to operate a chartered limousine service in Wichita, Kansas. The application included support documentation, an insurance policy meeting code requirements, payment of fee, listing of employees names for police records check purposes and vehicle inspection report. This company currently has two limousines.

If approved for a license, K&L Limousine will become the eighth licensed charter limousine service in the City of Wichita. This will be an added resource to those persons needing transportation services for special occasions.

There will be no financial impact on the City of Wichita.

The Department of Law is reviewing the Certificate of Convenience and Necessity and the policy of insurance submitted by Mr. Lacy Albert d/b/a K&L Limousine. Approval is pending.

Motion --
-- carried

Mayans moved that a Certificate of Convenience and Necessity for Lacy Albert to operate K&L Limousine with up to three (3) vehicles in Wichita, Kansas be approved. Motion carried 7 to 0.

CLAIM

PAYMENT OF CLAIM. (DISTRICT V)

Agenda Report No. 03-1166

On March 29, 2003, the City's newly installed pump station near 21st Street North and 119th Street West failed and there was a significant sewer back-up in several homes in the Teal Brook Addition which is located just south of 21st Street North and about ½ mile west of 119th Street West. The

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failure of the pump station to operate properly was either a failure of the computer control system or some other mechanical failure.

The City is ultimately responsible for this failure. Further investigation may reveal that the fault is that of the City's contractor or one of its subcontractor's who recently installed the pump station and its control facilities. The Salerno claim is for damage to their residence and personal property caused by the sewer back-up. The City hired an independent adjuster to evaluate the more significant elements of the Salerno claim. The adjuster has substantiated \$14,054.91 as fair compensation for this loss.

The claim will be paid by the Water and Sewer Utility.

The City is responsible for the back-up and the consequent property loss in the Teal Brook Addition. The Law Department recommends payment of \$14,054.91 as fair compensation for the Salerno claim. This payment will include reimbursement of the \$5,000 insurance proceeds payment made by the Salerno's insurance carrier so the net payment to the Salerno's will be \$9,054.91.

Motion --

--carried

Mayans moved that the payment of \$14,054.91 for the claim filed by Michael and Jane Salerno with payment to their insurance carrier, Farmer's Insurance, in the amount of \$5,000 and payment to the Salerno's in the amount of \$9,054.91 be authorized. Motion carried 7 to 0.

K-96 BIKE PATH

AMENDING RESOLUTION: K-96 BIKE PATH, FROM OLIVER TO THE EAST CITY LIMITS. (DISTRICTS I AND II)

Agenda Report No. 03-1167

The City of Wichita has an ongoing partnership with the Kansas Department of Transportation and the Federal Highway Administration to combine City and Federal funds for transportation related projects. One such project was the installation of a bike path along the K-96 Expressway between Oliver and the east City Limits. Based upon actual project costs, additional Federal funds are needed. Additional City funds are not needed.

The current budget totals \$775,000, with \$225,000 paid by the City and \$550,000 paid by Federal Grants. The revised budget totals \$785,000 with \$225,000 paid by the City and \$560,000 paid by Federal Grants. The funding source for the City share is General Obligation Bonds.

The Department of Law has approved the amending Resolution as to legal form.

Motion --

-- carried

Mayans moved that the Resolution be adopted and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 03-570

A Resolution amending Resolution No. R-06-096 of the City of Wichita, Kansas, authorizing the issuance of Bonds by the City of Wichita at Large for public improvements to construct a Bicycle Path along K-96 Expressway from Oliver to the east City limits (Project No. 472-82675), presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

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ORDINANCES

SECOND READING ORDINANCES: (FIRST READ OCTOBER 21, 2003)

- a) Improvement of Pawnee, Washington to Hydraulic and the intersection of Pawnee and Washington. (District III)

ORDINANCE NO. 45-915

1. An Ordinance declaring Pawnee, Washington to Hydraulic (472-83858) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCE NO. 45-916

2. An Ordinance declaring the intersection of Pawnee and Washington (472-83859) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- b) Public Hearing and Issuance of Industrial Revenue Bonds-Vermillion, Inc. (District IV)

ORDINANCE NO. 45-917

An Ordinance of the City of Wichita, authorizing the issuance of \$2,525,000 aggregate principal amount of Industrial Revenue Refunding and Improvement Bonds, Series VI, 2003 (Vermillion Incorporated) for the purpose of providing funds to (1) refund on a current basis certain Industrial Revenue Bonds, Series III, 1998 (Vermillion Incorporated) of the City and (2) acquire and install certain new equipment to existing facility; prescribing the form and authorizing execution of a Trust Indenture by and between the City and the Southwest National Bank of Wichita, Wichita, Kansas, as Trustee; prescribing the form and authorizing the execution of a Lease of the project by and between the City and Vermillion Incorporated; approving the form of a Guaranty Agreement by and between Vermillion Incorporated as Guarantor, and the Southwest National Bank of Wichita, Wichita, Kansas as Trustee; authorizing the execution of a Bond Purchase Agreement between the City, Vermillion Incorporated and Cooper Malone McClain, Inc., Wichita, Kansas, as purchaser of the Series VI, 2003 Bonds, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- c) Reduction of Northeast Redevelopment District-Tax Increment Financing. (District I)

ORDINANCE NO. 45-918

An Ordinance of the City of Wichita removing property from the Northeast Redevelopment District, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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- d) Hillside Improvement - Kellogg to Central. (Districts I & II)

ORDINANCE NO. 45-919

An Ordinance declaring Hillside, from Kellogg to Central (472-83862) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- e) 29th Street North Improvement, from Maize to Tyler. (District V)

ORDINANCE NO. 45-920

An Ordinance declaring 29th Street North, from Maize to Tyler (472-83863) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- d) ZON2004-54 - west of Tyler Road and on the South Side of MacArthur Road. (District IV)

ORDINANCE NO. 45-921

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. ZON 2002-54

BUILDING CONDEMNATIONS - FIRST READING ORDINANCE:

Motion--carried

Mayans moved that the first reading of the Ordinance be approved. Motion carried 7 to 0.

ORDINANCE

An Ordinance making a special assessment to pay for the removal of certain structures, being dangerous and unsafe buildings which have been declared a nuisance (Building Condemnation) under the provision of Sections 18.16.010 to 18.16.090 of the Code of the City of Wichita, Kansas, introduced and under the rules laid over.

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PLANNING AGENDA

Motion --
-- carried

Mayans moved that the Planning Agenda, except Items 50 and 55, be approved as consensus Items.
Motion carried 7 to 0.

(Agenda Item No. 50)
ZON2002-00003

ZON2002-00003-REQUEST FOR ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL, AND CUP2002-00002-THE CREATION OF THE DOROTHY COMMUNITY UNIT PLAN. GENERALLY LOCATED NORTH OF I-235, EAST OF WEST STREET, AND SOUTH OF CALVERT STREET. (DISTRICT IV)

John Schlegel

Director of Planning reviewed the Item.

Agenda Report 03-1168

MAPC Recommendation: Approve, subject to staff recommendations and conditions. (7-4)

Staff Recommendation: Approve, subject to conditions.

DAB Recommendation: District IV Advisory Board voted (6-2) to recommend changing the west parcel to "GO" General Office, and the east parcel to "NO" Neighborhood Office.

The applicant is requesting the creation of DP-258 Dorothy Community Unit Plan and rezoning to "LC" Limited Commercial for 18.67 acres of property located north of I-235, east of West Street and south of Calvert Street. This request supersedes the previous request known as Flatcoat III C.U.P. (See Case History).

Two large parcels are proposed for the C.U.P. Parcel 1, which is 9.78 acres is located on the west half of the site near West Street. Parcel 2 is 8.91 acres. There are no identified users for the parcels. Therefore, the proposed development plan is general and does not show a proposed arrangement of buildings and uses or circulation within the parcels. Requirements for site plan review and general provision requirements, including but not limited to landscaping, architectural consistency, and screening, are intended to ensure the arrangement and internal circulation is suited to the site and reduces its impact on the nearby residential neighborhood.

Proposed commercial uses for Parcel 1 are: animal care, limited; bed and breakfast inn; bank or financial institution; broadcast/recording studio; hotel or motel; medical service; office, general; personal care service; personal improvement service; retail, general limited to a maximum size for a single use of 8,000 square feet; restaurants with no drive-through or drive-in window allowed. Parcel 2 would allow fewer commercial uses than Parcel 1 by limiting it to some of the uses permitted by-right or by Conditional Use in the "GO" General Office zoning district. The commercial uses allowed would be: bed and breakfast inn; broadcast/recording studio; funeral home; medical service; office, general; animal care, limited; bank or financial institution; personal care service; and personal improvement service.

Both parcels would permit the same range of public/civic uses and residential development. These would include: single-family; duplex; multi-family; church or place of worship; community assembly; convalescent care; cemetery; day care, limited and general; government service; parks and recreation; and safety service.

Maximum building coverage is 30 percent. Gross floor area is 35 percent for Parcel 1 and 30 percent for Parcel 2. Proposed setbacks are 35 feet for commercial and 20 feet for residential use. Maximum heights are 35 feet for commercial, single-family and duplex, and 45 feet for multi-family. The number of buildings is unspecified. Proposed signage is three 35-foot freestanding signs along I-235 and one 25-foot sign along West Street. Monument signs along the property line paralleling Calvert Street would be limited to 12 feet in height and 0.5 times lineal frontage.

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The C.U.P. proposes uniform architectural character within each parcel, and Parcel 2 would be required to have residential character. No predominately metal facades would be permitted. Light standards would be limited to 25 feet in height.

Access is proposed from Calvert Street, a local residential street bordering the north of the application area. The site has no direct frontage to West Street. The Protection Drainage Ditch, which is 99 feet wide, separates the site from Calvert Street. The Protection Ditch extends eastward along the northern side of I-235.

The surrounding area to the north is a single-family residential neighborhood with homes built in the 1960s and 1970s and is generally well maintained. Many of these homes have exteriors of wood and brick with gable roofs.

The Southwest Neighborhood Association has expressed an interest in establishing a bike path along I-235 and has requested the developer to participate in providing right-of-way for this path. The neighborhood also expressed a concern that uses be limited in intensity to those permitted in the "NO" Neighborhood Office district.

The site is bounded on the south by I-235. Two large institutional land uses are located to the east/northeast: Cleaveland Traditional Magnet School and the YMCA South Branch. Industrial and commercial uses are located to the west of West Street.

At the District IV Advisory Board meeting held on October 1, 2003, a number of citizens were present to speak in opposition, and to request the entire C.U.P. be limited to "NO" Neighborhood Office. The DAB voted (6-2) to recommend approval of a lower intensity of use than recommended by staff. The DAB recommendation was for "GO" General Office for Parcel 1 and "NO" Neighborhood Office for Parcel 2.

At the MAPC meeting held October 9, 2003, the agent for the applicant was present and gave a history of the case. He stated that the applicant would accept the staff's recommended "LC" Limited Commercial on Parcel 1 and "GO" General Office on Parcel 2 rather than the requested "LC" on both parcels, and had agreed to the proposed use and site development conditions of the C.U.P. The agent stated that he did not feel it would be practical or feasible to develop the entire tract with "NO" Neighborhood Office zoning. Citizens were present and spoke in opposition to the proposed "LC" zoning. Neighbors raised issues about traffic concerns, drainage and flooding related to the Protection Drainage Ditch, effect on parking for residents along Calvert, impact of the commercial activity on the nearby residences, impact of using Calvert as the point of access to the commercial property. Staff indicated that Calvert Street was the only possible point of access since the property has no direct access onto West Street. It was indicated that the developer would be responsible for widening Calvert and improving the intersection of Calvert and West to allow better ingress/egress to the commercial site to lessen traffic impacts on the residences nearby.

After discussion, MAPC voted (7-4) to recommend: approval of "LC" Limited Commercial for Parcel 1 and "GO" General Office for Parcel 2, subject to platting within one year and of the community unit plan subject to the recommended conditions.

A. APPROVE the zone change (ZON2002-00003) to "LC" Limited Commercial for Parcel 1 and "GO" General Office for Parcel 2, subject to platting of the entire property within one year.

B. APPROVE the Community Unit Plan (DP-258), subject to the following conditions:

1. Access shall be limited to two points, with the primary access near West Street and across from Illinois Avenue or at a mid-block location in conformance to access management policies for separation of streets, and a second point between Knight Road and Leonine Avenue.

2. The applicant shall guarantee: construction of a decel lane from West Street to the first entrance on Calvert, reconfiguration of the intersection geometry for Calvert at West Street to reduce the turning radius to 90° and allow a center left-turn lane from Calvert to West, paving of the unpaved segment of Calvert, and widening of Calvert to 36-foot back-to-back on Calvert from the first drive

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entrance to the second drive entrance. A guarantee for traffic signalization at West shall be provided, but this signal shall not be permitted unless warranted by traffic volumes and coordinated with the I-235/West interchange ramp.

3. General Provision 7 shall add: "Building wall signs except identification signs shall be prohibited on the façade parallel to Calvert Street."

4. The development of this property shall proceed in accordance with the development plan and building elevation as recommended for approval by the Planning Commission and approved by the Governing Body. Any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.

5. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.

6. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.

7. All property included within this C.U.P. and zone case shall be platted within one year after approval of this C.U.P. by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.

8. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-258) includes special conditions for development on this property.

9. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

A protest petition was received from surrounding property owners and residents, along with several letters of opposition from the Southwest Village Neighborhood Association. Signatures on the protest petition included residents representing over 20 percent of the properties within the 200-foot protest area, which will require a three-quarters majority vote of the governing body for approval.

Council Member Fearey Council Member Fearey inquired about what uses are allowed for General Offices and Neighborhood Offices.

John Schlegel Director of Planning stated that in Neighborhood office, it's pretty restrictive, usually medical offices and more general offices such as insurance agents, childcare centers, etc. General office would be a little more expansive in the type of office uses and the offices could also be developed at a larger scale.

In responding to question about where the bike path would be located from Council Member Fearey, Mr. Schlegel stated it would be immediately to the right-of-way, along the southern edge of the property line

Council Member Fearey Council Member Fearey asked if any thought had been given to one of the entrances putting in a cross walk to make it more of a neighborhood serving development.

John Schlegel Director of Planning stated that issue has not come up in any of the meetings.

Council Member Fearey Council Member Fearey asked if the buildings actually faced I-235 and if the trash would be screened from the neighborhood.

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- John Schlegel Director of Planning said that would be the intent and then to have an attractive rear elevations facing the neighborhood on the other side and relative to the trash questions—the distance from the neighborhood, because of the drainage ditch and the frontage buildings along I-235, would probably mediate the problems with the trash to some extent.
- Council Member Brewer Council Member Brewer asked how much it would cost to fix a cross-over that would accommodate the neighbors.
- John Schlegel Director of Planning stated the developer would probably have to put in two access points across that ditch from Calbert to the site, and that would be at the developer's expense. Also stated that he didn't know how much it would cost to bridge the ditch at either end of the property making a connection to the neighborhood to the bike path, but it can be found out.
- Council Member Gray Council Member Gray asked if an amendment could be made to an overlay to require that screening be mandated for all trash receptacles on the rear of the buildings or the sides of the buildings, aside from the small ones you'd see at the entrances. Mr. Schlegel replied yes.
- Mayor Mayans Mayor Mayans asked what would be the purpose of that—so that they cannot be seen from the interstate and if it would create cost for homebuyers.
- John Schlegel Director of Planning replied this would be because the trash receptacles on the rear of the buildings would not be in plain site of the neighbors across the street, and that it would not create a cost to the homebuyer.
- Council Member Fearey Council Member Fearey stated that in a different zoning case last year, that it was denied and it did go through the court system. Wanted to know if we denied this case, today, what bearing would the court case that's already been decided have.
- Gary Rebenstorf Director of Law stated that it wouldn't have any-- that this was back from the Council. When it came back from the court, the Council sent it back to the MAPC for reconsideration and the MAPC has now taken a fresh look at it and it's being presented to you. So the court case would not have any effect on this; that the court case has been taken care of and it's over with.
- Motion -- Gray moved that Council concur with the findings of the MAPC and approve the zone change subject to platting within one year; approve the creation of the C.U.P., subject to the recommended conditions; including mandatory screening of trash receptacles to be added to the overlay plan; and the Planning Department be instructed to forward the Ordinance for first reading when the plat is forwarded
- carried to the City Council. Motion carried 7 to 0.

ZON2001-00053

ZON2001-00053-EXTENSION OF TIME TO COMPLETE THE PLATTING REQUIREMENT FOR A ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED INDUSTRIAL WITH A RESTRICTIVE COVENANT TO LIMIT USES AND MODIFY DEVELOPMENT STANDARDS. GENERALLY LOCATED SOUTH OF 45TH STREET NORTH AND WEST OF WEBB ROAD-4211 NORTH WEBB ROAD. (DISTRICT II)

Agenda Report No. 03-1169

Staff Recommendation: Approve one-year extension of time to complete platting.

On October 2, 2001, the City Council approved a zone change request from "SF-5" Single-Family Residential to "LI" Limited Industrial with a restrictive covenant to limit uses and modify development standards on property generally located south of 45th Street North and west of Webb Road at 4211 N. Webb Road. Approval of the requests was subject to the condition of platting the property within one year. An application to plat the property was approved by the MAPC on March 21, 2002. On October 28, 2002, staff granted a one-year extension of time to complete platting to allow time to resolve issues related to a gas pipeline on the property that is not located within an easement. The extended platting deadline was October 2, 2003; however, the applicant indicates that the additional time is needed to finalize several conditions. Therefore, the applicant has requested an additional one-year extension of

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time to complete platting. Second extensions of time to complete platting require City Council approval.

Motion --
-- carried

Mayans moved that the one-year extension to October 2, 2004, to complete platting be approved
Motion carried 7 to 0.

ZON2003-46

ZON2003-00046 – ZONE CHANGE FROM “SF-5” SINGLE-FAMILY RESIDENTIAL TO “LC” LIMITED COMMERCIAL AND “TF-3” TWO-FAMILY RESIDENTIAL. GENERALLY LOCATED AT THE NORTHEAST CORNER OF 37TH STREET NORTH AND TYLER ROAD. (DISTRICT V)

Agenda Report No. 03-1170

MAPC Recommendation: Approve, subject to platting within one-year and subject to Protective Overlay #129. (12-0)

Staff Recommendation: Approve, subject to platting within one-year and subject to Protective Overlay #129.

DAB Recommendation: Approve, subject to platting within one-year and subject to Protective Overlay #129. (8-0)

The applicant is requesting to rezone 26.7 acres north of 37th Street North and east of Tyler Road from “SF-5” Single-family Residential to “TF-3” Two-family Residential for 23 acres and “LC” Limited Commercial for 3.6 acres. The requested “LC” is for three commercial parcels that are approximately one acre in size. The “TF-3” is for 34 duplex lots. The density would be three dwelling units per acre, which is within the density range for low-density residential development although duplexes are categorized as medium density residential by definition in the Comprehensive Plan.

Restrictions on use and specific site development requirements are proposed for the “LC” lots per the conditions of Protective Overlay #129.

Most of the surrounding property is vacant or in suburban use. A request is being heard by MAPC for the property to the south. It is a request for a new 10+ acre community unit plan with requested “LC” zoning, DP-267 Tylers Landing Commercial C.U.P. The area to the north is platted for “SF-5” single-family use, Avalon Park. A railroad right-of-way separates the application area from the “SF-5” subdivision. The area to the south/southeast is being platted for single-family use as Tyler’s Landing Second Addition. The land to the west is shown as being in the city of Maize and includes suburban lots and a commercial tree farm/entertainment type of use. Maize South Middle School is located approximately one-fourth mile from the site.

At the District V Advisory Board meeting held October 6, 2003, the agent for the applicant requested to be granted the “LC” zoning rather than “NR” Neighborhood Retail as recommended in the original staff report. In addition, the agent stated that the applicant would agree to the protective overlay conditions as recommended in the staff report except: allowing the size of restaurant use to be up to 8,000 square feet, allowing drive-through windows to be permitted so long as they were more than 100 feet from residential zoning, and adding a condition for consistent signage. The DAB voted (8-0) to support the requested “LC” with modified protective overlay conditions that generally were consistent with “NR” standards. No members of the public were present.

At the MAPC meeting held October 9, 2003, staff presented a memo outlining the DAB recommendations and indicated that staff was in support of the DAB recommendation. No members of the public spoke. MAPC voted (12-0) to recommend approval subject to platting within one year and subject to the following protective overlay conditions:

1. Transportation requirements:
 - a. A site circulation plan shall be required for review and approval by the Planning Director prior to the issuance of any building permits; the site plan shall ensure internal circulation within the parcels and joint use of ingress/egress openings and that private drive openings are not impacted/ blocked by the layout of parking stalls or landscaping.

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- b. The applicant shall provide a guarantee for right-turn accel/deceleration lanes along the perimeter of the property and the fair share of a center turn lane during platting.
- c. Access points shall be in conformance with the Access Management Policy.
- d. The developer shall guarantee 6 1/4 percent share of cost for the intersection signalization at Tyler Road and 37th Street North.
2. No development shall be allowed along 37th Street North until the street is paved to a two-lane county standard.
3. Setbacks shall be 35 feet for front and rear property lines; maximum building coverage shall be 30 percent; maximum gross floor area shall be 35 percent; maximum building height shall be 35 feet.
4. Signage shall be per Sign Code for the "NR" district with the following additions:
 - a. Window display signs are limited to 25 percent of the window, including interior, area.
 - b. No signs shall be allowed on the rear of any buildings.
 - c. All freestanding signs shall be monument type signs and shall share consistent architectural design and character.
5. All parcels shall share similar or consistent parking lot lighting elements (i.e. fixtures, poles, and lamps, and etc.), with light poles, including base, limited to 24 feet in height, and reduced to 14 feet within 150 feet of residential zoning. Extensive use of back lit canopies and neon or fluorescent tube lighting on buildings is not permitted.
6. Landscaping shall be per Landscape Ordinance; and all parcels shall share a similar landscape palette. The buffer shall be at provided at a rate of one (1) tree per 30 feet for the north property line.
7. A screening wall that is between six (6) feet and eight (8) feet high of concrete/masonry shall be constructed along the northern property line. This solid wall shall be constructed of a pattern and a color that is consistent with the building walls, is of uniform construction for the three parcels, and placed within a five (5) foot wall easement.
8. All parcels shall share similar or consistent architectural character, color, and texture, as determined by the Planning Director. Building walls and roofs must have predominately earth-tone colors, with vivid materials limited to incidental accent, and must employ materials similar to surrounding residential areas. No predominately metal facades shall be allowed.
9. Uses shall be limited to those allowed in the "NR" Neighborhood Retail district and restaurants over 2,000 square feet in size (not to exceed 8,000 square feet); restaurants may allow drive-through windows but the drive-through windows shall be no closer than 100 feet from a residential property line and any order boards shall not be audible from the residential property lines.

Motion --

Mayans moved that Council concur with the findings of the MAPC and approve the zone change, subject to the condition of platting within one year and subject to Protective-Overlay #129; and that the Planning Department be instructed to forward the ordinance establishing the zone change for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

-- carried

ZON2003-47

ZON2003-47-ZONE CHANGE FROM TWO-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 21ST STREET NORTH AND ARKANSAS; AND CON2003-37-CONDITIONAL USE FOR A CAR WASH TO BE LOCATED WITHIN 200 FEET OF RESIDENTIAL PROPERTY, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 21ST STREET NORTH AND ARKANSAS. (DISTRICT VI)

Agenda Report No. 03-1171

MAPC Recommendation: Approve, (10-0) subject to staff recommendations except change condition "H" of the Conditional Use to "Dedication of 10-foot of ROW to 21st Street North, 10-foot of sidewalk and utility easement to 21st Street North and 10-foot of ROW to Arkansas, will be at the time of platting." and the DAB VI change to condition "G" of the Conditional Use.

Staff Recommendation: Approve, subject to replatting within one-year and conditions.
D.A.B. Recommendation: DAB VI members voted (10-0) to recommend Approval of the requests based on Staff recommendations with exception to condition "G". "The applicant shall provide guarantee for paving the length and entire width of the alley where it abuts the site's west side. Improvements will be to City Standards, including drainage approved by the Public Works Engineer."

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The applicant is requesting a Conditional Use to allow a 24-hour car wash to be located within 200-ft of residential zoning in the "LC" Limited Commercial zoning district. The 0.97-acre site is located on the southeast corner of the 21st Street North – Arkansas Avenue intersection. The site is currently zoned "LC" Limited Commercial on the north six (6) lots and "TF-3" two-family residential on the south four (4) lots. The applicant also requests a zoning change for the site's four "TF-3" lots (Lots 14, 16, 18 & 20, Brooks Oldham Addition) to "LC" on this agenda: ZON2003-00029. The zone change will facilitate the redevelopment of the site. The north six lots ("LC") are developed as a tire repair garage. The two most southern lots ("TF-3") are developed with one single-family residence on them, with the two remaining lots ("TF-3"), between the residence and the tire store not developed.

The 21st Street – Arkansas Avenue intersection, where the site is located, marks the end of extensive unbroken commercial zoning strips along both the 21st Street and the Arkansas frontages. The commercial zoning and the predominately neighborhood retail/commercial development on 21st extends from the intersection, east to Broadway, broken infrequently by scattered single-family housing and several churches. Although the Arkansas frontage north of the intersection is zoned commercial up to 25th Street North, it is developed more as single-family residential with churches, a post office and not infrequent neighborhood retail and office mixed in. South of the intersection, Arkansas is a residential road, zoned two-family residential on both its sides, developed predominately as single family residential. There is a church and an elementary school along this portion of Arkansas on its west side. Behind these two street's commercial zoning strips, there is a mixture of single-family, two-family residential and multi-family zoning, which have been developed predominately as single-family residential.

The site (with the exception of its four "TF-3" zoned lots) is one of four "LC" zoned sites on the 21st Street – Arkansas intersection. The other three sites are developed as a Kentucky Fried Chicken fast food restaurant (a national franchise, west side), an O'Reilly's auto supply store (regional franchise, northwest side) and a Quick Trip convenience store (regional franchise northeast side). These three developments are a more intense commercial activity (size of stores, hours of operation, services provided) than the predominately neighborhood retail in the area. These three sites are also probably among the most recent developments in the area, where older development prevails. The KFC has approximately 30-feet of landscape buffer between its parking and the abutting single-family residence on its south side. The proposed site has "TF-3" zoning on its south, southeast and southwest sides, with both sides developed as single-family residential and a duplex. There is a single-family residence abutting the site's south side, approximately 8-10-feet separate the residence from the site's south property line. The site has an older freestanding building used for retail and a restaurant on its east side.

The applicant has submitted a site plan. Dedication of 10-foot of ROW to 21st Street North, a 10-foot sidewalk and utility easement along 21st Street North, 10-foot of ROW to Arkansas and the extent the alley needs to be paved are issues that have been brought to the applicant's attention. The extent of the paving of the alley will be determined by the drainage plan, during replatting.

At the DAB 6 hearing on October 6, 2003, the DAB voted (10-0) to recommend approval of the zoning change and the Conditional Use, subject to platting within one year and subject to the conditions recommended by staff except that condition "G" be changed to "The applicant shall provide guarantee for paving the length and entire width of the alley where it abuts the site's west side. Improvements will be to City Standards, including drainage approved by the Public Works Engineer." No citizens either in favor or in opposition to the request appeared at the hearing on the request.

At the MAPC hearing on October 9, 2003, the MAPC voted (10-0) to recommend approval of the zoning change and the Conditional Use, subject to platting within one year and subject to conditions recommended by staff and DAB VI, except that condition "H" be changed to "Dedication of 10-foot of ROW to 21st Street North, 10-foot of sidewalk and utility easement to 21st Street North and 10-foot of ROW to Arkansas, will be at the time of platting." No citizens either in favor or in opposition to the request appeared at the hearing on the request. Staff has received no written protest or phone calls protesting the request. The conditions of approval recommended by the MAPC are:

A. The car wash shall be developed according to the site plan and maintained in compliance with all the requirements of Section III-D.6.f of the Unified Zoning Code, plus on site pole lights no higher

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than 14-foot with no lighting located south of the entrance off of Arkansas Avenue, hooded and directed onto the site, a 20-foot monument 138-square foot in size and no dryer allowed on the automatic wash bay.

B. The materials and design of the facilities shall be as proposed by the applicant, including pitched gabled roofs with outside walls constructed with a combination of concrete block, synthetic stucco or similar materials.

C. The applicant shall turn in a landscape plan, including evergreens every 15-feet in the south landscape buffer for approval by the Planning Director.

D. The site shall be developed in general conformance with the approved site plan. All improvements shall be completed before the facility becomes operational.

E. Access onto Arkansas will be per approval of the Traffic Engineer. The applicant will use the alley onto 21st Street North as access to the site.

F. The circulation and queuing will pattern shall be approved by the Traffic Engineer prior to construction on the site.

G. The applicant shall provide guarantee for the paving the length and entire width of the alley where it abuts the site's west side or the entire length of the alley if the Public Works Engineer requires it. Improvements will be to City Standards, as approved by the Public Works Engineer.

H. Dedication of 10-foot of ROW to 21st Street North, 10-foot of sidewalk and utility easement to 21st Street North and 10-foot of ROW to Arkansas, will be at the time of platting.

I. After a review of the development and upon appropriate findings, any violation of the conditions of approval will allow the Conditional Use to be declared null and void.

Motion --

Mayans moved that Council concur with the findings of the MAPC and approve the zoning change and the Conditional Use to permit a car wash, subject to platting within one year and subject to the recommended conditions, and that the Planning Department be instructed to forward the ordinance for first reading when the plat is forwarded to the City Council.

RESOLUTION NO. 03-585

A Resolution authorizing a conditional use for a car wash on 0.97 acres zoned "LC" Limited Commercial, located at the southeast corner of 21st Street North and Arkansas in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-D, as adopted by Ordinance No. 44-975, as amended, presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

VAC2003-49

VAC2003-49-REQUEST TO VACATE PLATTED RIGHT-OF-WAY OF WEST STREET AND NORTH STREET, GENERALLY LOCATED NORTHEAST OF GREENWICH AND 53RD STREET NORTH INTERSECTION.

Agenda Report No. 03-1172

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

The applicants are requesting consideration to vacate portions of the platted North Street & West Street ROWs, located north of the West Street – West Central Intersection. The Greenwich Addition was recorded 08-03-1883.

The applicants have noted that the rural site has never developed to the density that the plat anticipated. The eastern middle portion of the North Street ROW has been vacated. There is no sewer or water in the ROW. Setbacks are current and would remain in effect and move with the adjusted property lines. Reversion rights of the 24-foot West Street ROW and the 20-foot North Street ROW would go the platted (all in the Greenwich plat) abutting property owners; Lots 18-14, inclusive, Block 4, Greenwich Addition. All abutting property owners, but the owner of the unplatted tract north of the North Street ROW, have signed the petition and the application to vacate. This unplatted tract is used for agriculture and has direct access to Greenwich Road.

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This site is in an unincorporated portion of Sedgwick County (County Commission District V) and in the County's Subdivision Jurisdiction, but it is also within the City of Wichita's 3-mile ring Subdivision Jurisdiction, thus final action on this requested must be made by both the Sedgwick County Commission and the Wichita City Council. The Sedgwick County Commission will consider this item at their November 5, 2003 meeting.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

There are no financial considerations.

A certified copy of the Vacation Order will be recorded with the Register of Deeds

Motion --
-- carried

Mayans moved that the Vacation be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

(Agenda Item No. 55)
CUP2003-45

CUP2003-45-ASSOCIATED WITH ZON2003-43-AMENDMENT #3 TO DP194-HOME DESIGN CENTER C.U.P. AND ZONE CHANGE FROM GENERAL OFFICE TO LIMITED COMMERCIAL. GENERALLY LOCATED AT THE NORTHEAST CORNER OF 29TH STREET NORTH AND PENSTEMON. (DISTRICT II)

Agenda Report No. 03-1173

MAPC Recommendation: Approve (12-0)

Staff Recommendation: Approve.

DAB Recommendation: Approve (7-2)

The applicant requests an Amendment to Parcel 3 of DP-194 Home Design Center CUP and a zone change for the subject property from "GO" General Office to "LC" Limited Commercial. The subject property is located at the northeast corner of 29th Street North and Penstemon and is undeveloped.

The surrounding area is characterized by commercial uses along the Rock Road and K-96 corridors and residential uses in the Tallgrass neighborhood. The properties to the west and north are zoned "LC" Limited Commercial and "GC" General Commercial and are developed with various commercial uses. The property to the east is zoned "MF-18" Multi-Family and is undeveloped. The properties to the south are zoned "SF-5" Single Family and are developed with single-family residences and a church.

Parcel 3 is zoned "GO" General Office, the CUP permits all uses allowed in the "GO" zoning district. The applicant proposes to rezone Parcel 3 to "LC" Limited Commercial and to permit the following uses: general office; office/warehouse; professional office; furniture, carpet, lumber, plumbing, and similar furnishings; appliances, equipment, and fixture supplier outlets; light commercial uses limited to home/office supply; decorating, construction material, and design store; restaurants; and specialty retail sales. The applicant proposes no other changes to the CUP.

The CUP currently requires a 10-foot landscape buffer along 29th Street North consisting of a three-foot high berm landscaped with trees, shrubs, and grass. The CUP also requires a six- to eight-foot high masonry wall on the east property line. Building setbacks of 35-feet are required along the east property line and along Penstemon, and a 50-foot building setback is required along 29th Street North. Access to 29th Street North is limited to one opening.

In recognition of the subject property's proximity to low-density residential uses, the zoning and uses permitted on the subject property were limited to office uses when the CUP was originally approved in order to improve compatibility of the commercial uses in the CUP with the nearby residential uses. In order to maintain compatibility while allowing additional commercial uses to encourage development of a vacant commercial property, planning staff recommends several conditions of approval pertaining to permitted uses, signage, building materials, and landscaping. Planning staff recommends approval of the applicant's proposed uses with the exception of office/warehouse, which is not permitted by right in

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the requested "LC" zoning district, and drive-in or free-standing drive-thru restaurants, which generally are incompatible with low-density residential neighborhoods due to the traffic, noise, trash, and light they generate. Planning staff also recommends that the list of permitted uses use terms defined by the Unified Zoning Code rather than the proposed terms in order to assist with future implementation of the CUP. To mitigate the visual impact of signage on nearby residences, planning staff recommends that signage be permitted per the "NR" Neighborhood Retail zoning district, which permits shorter and smaller signs than the "LC" zoning district. To ensure compatibility of building design with surrounding residential areas, planning staff recommends that buildings on the subject property be constructed of materials consistent with the residences in the area (e.g., masonry, stucco, wood, etc.). To improve the visual appearance of commercial development on the subject property, planning staff recommends that the subject property be developed with a landscaped street yard and parking lot screening along Penstemon and a landscape buffer along the east property line.

District Advisory Board II reviewed this case on October 6, 2003. No one other than staff and DAB members provided comments. DAB members asked questions concerning signage and building setback requirements. The DAB recommended approval 7-2, but asked that ground signage be limited to monument type signs with a maximum height of 10 feet.

The Metropolitan Area Planning Commission (MAPC) heard the case on October 9, 2003. The MAPC recommended approval 12-0, subject to the recommendations contained in the staff report. In that staff report, signage was restricted to that permitted in the "NR" Neighborhood Retail district which permits ground sign heights of 22 feet, and does not restrict signage to monument type signs. No one spoke for or against the request at the MAPC meeting, and no written protests have been received.

Council Member Schlapp Council Member Schlapp stated that the DAB has agreed to everything that MAPC has recommended, except, that they wanted to limit the sign to a monument type signage with a maximum height of ten feet and she'd like to add that amendment to the recommendation.

Motion -- Schlapp moved that Council concur with the findings of the MAPC and place the ZON2003-43 Ordinance approving the zone change and CUP amendment request, subject to recommended conditions; including limiting signs to monument type signage with a maximum height of ten feet.
-- carried Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON 2003-43

SUB 2003-06

SUB 2003-06-PLAT OF SEALPAK SECOND ADDITION, LOCATED ON THE WEST SIDE OF HOOVER, NORTH OF 21ST STREET NORTH. (DISTRICT V)

Agenda Report No. 03-1174

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (9-0)

This is unplatted property located in the City of Wichita. The site has been approved for a zone change (ZON 2002-65) from "SF-5" Single-Family Residential District to "LI" Limited Industrial District. A Protective Overlay #119 was also approved for this site addressing setbacks, outdoor storage and permitted uses. A Protective Overlay Certificate has been submitted.

A Petition for water improvements has been previously submitted. A Petition (100%) and a Certificate of Petition for sewer improvements have been submitted. A Restrictive Covenant permitting future joint access with the abutting property owner to the north has also been submitted.

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This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until the Plat is recorded with the Register of Deeds.

The Notice of Protective Overlay Certificate, Certificate of Petition and Restrictive Covenant will be recorded with the Register of Deeds.

Motion --

-- carried

Mayans moved that the documents and Plat be approved; the Ordinance be placed on first reading with publication being withheld until such time as the Plat has been recorded with the Register of Deeds; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 03-571

Resolution of findings of advisability and resolution authorizing construction of Lateral 3, Main 20, Southwest Interceptor Sewer (west of Hoover, North of 21st Street) 468-83716, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. ZON 2002-65

SUB 2003-15

SUB 2003-15-PLAT OF MCNEIL ADDITION, LOCATED NORTH OF 53RD STREET NORTH, ON THE EAST SIDE OF GREENWICH ROAD.

Agenda Report No. 03-1175

Staff Recommendation: Approve the plat.
MAPC Recommendation:: Approve the plat. (9-0)

This site, consisting of two (2) lots (5.8 acres) is located in the County within three (3) miles of the City of Wichita. This site is zoned "RR" Rural Residential District. County Code Enforcement has approved the site for on-site sewerage facilities.

At the request of the City Water and Sewer Department, a No-Protest Agreement for future extension of sanitary sewer and water services has been submitted. A Restrictive Covenant pairing lots for a lagoon has also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The No-Protest Petition and Restrictive Covenant will be recorded with the Register of Deeds.

Motion --

-- carried

Mayans moved that the documents and plat be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

SUB 2003-16

SUB 2003-16-PLAT OF EVERGREEN FOURTH ADDITION ,LOCATED ON THE SOUTH SIDE OF 29TH STREET NORTH, WEST OF MAIZE ROAD. (DISTRICT V)

Agenda Report No. 03-1176

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (13-0)

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This unplatted site, consisting of 38 lots (13.8) acres, has recently been annexed into the City of Wichita. Upon annexation, the zoning of the property was converted to "SF-5" Single-Family Residential District and allows for the lot sizes being platted. This final plat consists of the south portion of the overall preliminary plat approved for the site and represents the first phase of development.

Petitions, all 100%, and a Certificate of Petitions have been submitted for paving, drainage, sidewalks, sewer and water improvements. A Restrictive Covenant has been submitted requiring that four (4) off-street spaces be provided per dwelling unit on each lot that abuts a 58-foot street. As required by City Engineering, an Off-Site Drainage Easement has been submitted. A Restrictive Covenant was submitted to create a lot owner's association to provide for the ownership and maintenance of the off-site reserves. A Temporary Emergency Easement has also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions, Restrictive Covenants, Off-Site Drainage Easement and Temporary Emergency Access Easement and will be recorded with the Register of Deeds.

Motion --
-- carried

Mayans moved that the documents and plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-572

Resolution of findings of advisability and resolution authorizing construction of Water distribution System Number 448-89831 (south of 29th Street North west of Maize), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-573

Resolution of findings of advisability and resolution authorizing construction of Lateral 4, Northwest Interceptor Sewer 468-83639 (south of 29th Street North west of Maize), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-574

Resolution of findings of advisability and resolution authorizing construction of Storm Water Sewer No. 589, (south of 29th Street North west of Maize) 468-83640, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-575

Resolution of findings of advisability and resolution authorizing improving Parkdale from the south line of Lot 1, Block 1, to the north line of Lot 26, Block 1; on Bristle Cone from the west line of Lot 3, Block 1 to the east line of Lot 1, Block 1; On Bristle Cone Circle from the east line of Lot 1, Block 1; to and including the cul-de-sac; on Parkdale Court from the east line of Lot 14, Block 1, west to and including the cul-de-sac; n Parkdale Court from the west line of Lot 4, Block 1, east to and including the cul-de-sac. Sidewalk on the east side of Parkdale, 472-83782, (south of 29th Street North west of Maize), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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SUB 2003-72

SUB 2003-72-PLAT OF TYLER'S LANDING SECOND ADDITION, LOCATED SOUTH OF 37TH STREET NORTH, EAST OF TYLER ROAD. (DISTRICT V)

Agenda Report No. 03-1177

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (9-0)

This site, containing 108 lots (43 acres), consists of the southeastern portion of the overall preliminary plat approved for the site and represents the second phase of development. The site located within the City of Wichita and is zoned "SF-5" Single-Family Residential District.

Petitions, all 100%, and a Certificate of Petitions have been submitted for sewer, water pavement, storm water sewer, off-site sanitary sewer and storm water drain improvements. A Restrictive Covenant has been submitted requiring that four (4) off-street spaces be provided per dwelling unit on each. A Restrictive Covenant was also submitted to provide to create a homeowner's association to provide for the ownership and maintenance of the reserves.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions and Restrictive Covenants (2) will be recorded with the Register of Deeds.

Motion --
-- carried

Mayans moved that the documents and plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-576

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-89891 (south of 37th Street North, east of Tyler), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-577

Resolution of findings of advisability and resolution authorizing construction of Lateral 10, Main 19, Southwest Interceptor Sewer, 468-83725, (south of 37th Street North, east of Tyler), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-578

Resolution of findings of advisability and resolution authorizing construction of Later 11, Main 19, Southwest Interceptor Sewer, 4688-83726 (south of 37th Street North, east of Tyler), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-579

Resolution of findings of advisability and resolution authorizing improving Storm Water Drain No. 218, 468-83727, (south of 37th Street North, east of Tyler, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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RESOLUTION NO. 03-580

Resolution of findings of advisability and resolution authorizing construction of Storm Water Sewer No. 598, 468-83728, (south of 37th Street North, east of Tyler), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-581

Resolution of findings of advisability and resolution authorizing improving 34th Street North, from the south line of Lot 1, Block A, east to the south line of Lot 16, Block A, on Lang from Tyler Road east to the north line of Lang Cir., on Lake Ridge from the north line of Lang Cir., north to the north line of the plat, on Lake Ridge Court from Lake Ridge, east and south to and including two cul-de-sacs, to serve Lots 25 through 57, Block B. On Lake Ridge court from Lake Ridge, east to and including the cul-de-sac, to serve Lots 58 through 67, Block B, and on Lang Cir., from Lang east to and including the cul-de-sac. Sidewalk be constructed on one side of Lang, 34th Street north, and Lake Ridge, (south of 37th Street North, east of Tyler) 472-83878, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

SUB 2003-83

SUB 2003-83-PLAT OF WILSON ESTATES MEDICAL PARK SECOND ADDITION, LOCATED WEST OF WEBB ROAD, SOUTH OF 1ST STREET NORTH. (DISTRICT II)

Agenda Report No. 03-1178

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (9-0)

This site, consisting of five (5) lots (11.8 acres), is a replat of Lot 1, Block 2 and Reserve B, Legacy Park Wilson Estates Addition. The site is located within the City limits. The site was approved for a zone change (ZON 2002-18) from "SF-5" Single-Family Residential District to "GO" General Office District, subject to replatting. The Wilson Estates Medical Park Community Unit Plan (CUP2002-10, DP-260) was also approved. A CUP Certificate has been submitted.

Petitions, 100%, and a Certificate of Petitions have been submitted for water and sewer improvements. Since this site is located within the noise impact areas of McConnell Air Force Base, a Restrictive Covenant and an Avigational Easement have been provided. This Restrictive Covenant also allows a homeowner's association to be formed for the ownership and maintenance of the reserves.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until the Plat is recorded with the Register of Deeds

Motion --

-- carried

Mayans moved that the documents and plat be approved; the Resolutions be adopted; and the Ordinance be placed on first reading with publication being withheld until the Plat is recorded with the Register of Deeds. Motion carried 7 to 0.

RESOLUTION NO. 03-582

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-89884 (south of 21st Street, west of Webb), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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RESOLUTION NO. 03-583

Resolution of findings of advisability and resolution authorizing construction of Lateral 87, Main 22, War Industries Sewer, 468-83713, (south of 21st Street, west of Webb), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. ZON 2002-18

SUB 2002-127

SUB 2002-127-PLAT OF HOLZMAN ADDITION, LOCATED ON THE EAST SIDE OF GREENWICH ROAD, SOUTH OF PAWNEE.

Agenda Report 03-1179

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (9-0)

This unplatted property, consisting of two (2) lots (5.42 acres) and is located in the County within three (3) miles of the City of Wichita. County Code Enforcement has approved the site for on-site sewerage facilities. The site has been approved for a zone change (ZON 2002-27) from "SF-20" Single-Family Residential District to "LC" Limited Commercial. A Protective Overlay (P-O #114) was approved for this site addressing consolidation of properties through a restrictive covenant, uses, alterations and expansions, outside storage, signage, employees, hours, and commercial waste storage. A Notice of Protective Overlay and Restrictive Covenant have been submitted.

As requested by the City Water and Sewer Department, a No-Protest Agreement for future extension of sanitary sewer and water services has been submitted. A Restrictive Covenant required by the zoning approval has also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Notice of Protective Overlay, Restrictive Covenant and No Protest Agreement will be recorded with the Register of Deeds.

Motion --
-- carried

Mayans moved that the that documents and plat be approved; the ZON 2002-27 Ordinance be placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. (ZON 2002-27)

DED 2003-21

DED 2003-21-DEDICATION OF ACCESS CONTROL FOR PROPERTY LOCATED ON THE SOUTHEAST CORNER OF CENTRAL AND BAEHR. (DISTRICT IV)

Agenda Report 03-1180

MAPC Recommendation:: Accept the Dedication.

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As a requirement of a zoning request (Case No. ZON 2003-30), this Dedication is being submitted for complete access control, except for one opening, along Central (aligned with the Baehr intersection on the north side of Central).

There are no financial consideration.

The Dedication will be recorded with the Register of Deeds.

Motion -- carried

Mayans moved that the Dedication be accepted. Motion carried 7 to 0.

AIRPORT AGENDA

Motion --
-- carried

Mayans moved that the Airport Agenda, except Item 65, be approved as consensus Items. Motion carried 7 to 0.

AIRPORT

UNITED STATES DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION-STATE AND LOCAL TASK FORCE AGREEMENT-ADDENDA NOS. 2 AND 3.

Agenda Report No. 03-1181

In 1991, the Wichita Airport Authority entered into an agreement with the Drug Enforcement Administration to participate in the area Drug Enforcement Task Force by providing one Airport Officer. The WAA pays the salary of the one officer, and the DEA supervises the officer and pays overtime and gasoline expenses.

The WAA's participation in this effort has been very beneficial to the community and its drug enforcement efforts. Addendum No. 2 increases the amount of overtime expenses paid to the Wichita Airport Authority through September 30, 2004. Addendum No. 3 changes the start date of the agreement from October 1, 2003 to September 30, 2003. This date change was requested by the Drug Enforcement Task Force.

The salary of one Safety Officer is paid by the WAA, with up to \$14,116 in overtime paid by the DEA. This is an increase of \$4,011 above the previous agreement.

Motion -- carried

Mayans moved that the Addenda be approved. Motion carried 7 to 0.

AIRPORT

SECURITY PROJECT-SAFETY BUILDING ADDITION & CCTV UPGRADE SUPPLEMENTAL AGREEMENT 1 WICHITA MID-CONTINENT.

Agenda Report No. 03-1182

On August 13, 2002 City Council approved an agreement with Howard & Helmer Architects for design and bid phase services.

During construction, resident engineering and construction-related services are necessary in order to comply with Federal Aviation Administration requirements. A supplemental agreement has been prepared to authorize the necessary services.

The cost of the services is \$235,823 and will be funded with a Federal Grant, Passenger Facility Charges and Airport Revenue. Funds are available in the approved budget.

Motion --
-- carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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(Agenda Item No. 65)
AIRPORT

PUBLIC HEARING AND ISSUANCE OF AIRPORT SPECIAL FACILITIES REVENUE BONDS-FLIGHTSAFETY INTERNATIONAL. (DISTRICT V)

Agenda Report No.03-1183

Since 1991, the City Council has approved the issuance of \$54 million in Industrial Revenue Bonds and Airport Special Facility Revenue Bonds for FlightSafety International. The bonds were used to construct building additions and purchase new flight simulators for use in FlightSafety Training Centers located at 1851 Airport Road (Cessna Citation Facility) and Two Learjet Way (Learjet Facility). FlightSafety was also granted 100% tax abatement on the bond-financed property, for a five-year period plus a second five-year period based on Council review.

On December 18, 2001, the Airport Authority approved a Letter of Intent to issue its Special Airport Facilities Revenue Bonds in the amount not-to-exceed \$2,500,000 to FlightSafety International (FlightSafety). The bond proceeds will be used to construct a building expansion at the FlightSafety International Training Center located at 1851-1951 Airport Road.

On October 7, 2003, Airport Authority increased the amount by \$1 million to allow for an increase in building costs. FlightSafety International (FlightSafety) is now requesting the issuance of Special Airport Facilities Revenue Bonds in an amount of \$2,860,000.

FlightSafety International, Inc. was organized in 1951, and purchased by Berkshire Hathaway Inc., in December 1996. FlightSafety provides training for operators of aircraft and ships. Training activities include advanced training of pilots, air traffic control procedures and new aviation developments. Training is provided both in the private (Cessna, Learjet, Raytheon) and public sectors (U.S. Air Force and U.S. Navy). In addition to aircraft training, FlightSafety provides necessary training to allow pilots to obtain licenses for operation of large oceangoing vessels. FlightSafety also offers maintenance training for certain aircraft.

FlightSafety plans to add 44 new jobs for the Wichita Area Facilities. Additional jobs will be divided between the Cessna and Learjet Training Facilities. FlightSafety's pilot training program brings over 10,000 pilots to Wichita each year, for an average two-week training program. This results in an estimated 75,000 hotel room nights.

USES OF FUNDS

Building Improvements	\$2,823,815
Costs of Issuance	<u>36,185</u>
Total Cost of Project:	\$2,860,000

The firm of Hinkle Elkouri, L.L.C. will serve as bond counsel in the transaction. The bonds will be underwritten by Wachovia Bank National Association and offered for public sale. The bonds will be guaranteed by FlightSafety's parent firm, Berkshire Hathaway, Inc.

FlightSafety agrees to pay all costs of issuing the bonds.

Bond documents needed for the issuance of the bonds will be prepared by bond counsel. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion --

Mayans moved that the public hearing be closed; and the Resolution authorizing the execution and delivery of documents for the issuance of Airport Special Facilities Revenue Bonds to FlightSafety International in an amount of \$2,860,000, be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

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RESOLUTION NO. A-03-113

A Resolution authorizing the Wichita Airport Authority of the City of Wichita, Kansas, to construct and equip a flight training facility to be leased to FlightSafety International Inc.; authorizing the issuance of its adjustable Mode Airport Special Facilities Revenue Bonds Series A, 2003 (FlightSafety International Inc.), in the aggregate principal amount of \$2,860,000; authorizing execution of a Trust Indenture by and between the Wichita Airport Authority of the City of Wichita, Kansas and Wachovia Bank, National Association, as Trustee; authorizing the Wichita Airport Authority of the City of Wichita, Kansas to lease the facility to FlightSafety International Inc. and authorizing execution of a Lease between said FlightSafety International Inc; approving the form of a Guaranty Agreement; approving the form of a Remarketing Agreement; authorizing execution of a Tax Compliance Agreement by and among said Airport Authority, the Trustee and FlightSafety International Inc.; authoring the execution of a Bond Purchase Agreement for the Bonds by and among said airport Authority, FlightSafety International Inc. and Wachovia Bank, National association, as Underwriter, presented. Mayans moved that the Petition the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

AIRPORT

ACQUISITION OF 4444 NORTH WEBB ROAD FOR RUNWAY APPROACH PROTECTION AT COLONEL JAMES JABARA AIRPORT. (DISTRICT II)

Agenda Report No. 03-1184

A portion of the quarter section lying in the southeast quadrant of 45th Street North and Webb Road lies within the runway protection zone and the runway approach protection zone for Jabara Airport. The total parcel encompasses 84.1 acres with 40.61 acres within the zone. The Airport Authority has requested that this tract be acquired to prevent further development in this protected area. Based on the impact of the take on the remainder, it was determined that the entire site should be acquired. It is zoned Rural Residential and is developed with a single-family residence and outbuildings with the majority of the tract in agricultural use.

The property was valued at \$1,150,000. Relocation benefits were estimated at \$175,700 for a total cost of \$1,325,700. The owner's appraiser valued the property at \$1,869,000. Due to the disparity in amounts, the property was filed for eminent domain. After continued negotiation, the owner has agreed to accept \$1,375,000. The improvements are in the portion of the property not required for runway protection. The improvements are currently vacant. The future use of this part of the property has not been determined.

Funds have been budgeted in the Capital Improvement Program for acquisitions for runway protection. The FAA will ultimately provide 90% of the purchase price for the 40.61 acres impacted by runway protection through their Airport Improvement Program. Interim funding source will be General Obligation Bonds paid for with airport revenue. A budget of \$1,385,000 is requested. This includes \$1,375,000 for the acquisition and \$10,000 for closing costs and title insurance.

Motion --
-- carried

Mayans moved that the public hearing be closed; the budget and real estate purchase Contract be approved; the Resolution adopted and the necessary signatures be approved. Motion carried 7 to 0.

RESOLUTION NO. A-03-114

A Resolution for the acquisition of 4444 North Webb Road for runway approach protection at Colonel James Jabara Airport, presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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AIRPORT

AIRPORT MARKETING CONTRACTUAL AGREEMENT.

Agenda Report No. 03-1185

It is the policy of the Wichita Airport Authority to fund marketing and communications programs aimed at stimulating the use of Wichita Mid-Continent Airport. Such programs may be directed from time to time on a temporary basis toward the use of certain air carriers who introduce and sustain new "discount" service. Wichita Mid-Continent Airport has been experiencing new and expanded airline service with the arrival of recent carriers. The Wichita Airport Authority Board has determined that it is in the best public interest to promote these services locally to educate the traveling public. It is critical to the success of Mid-Continent Airport that those in our catchment area be aware of these services and continue to utilize them for the betterment of the Airport. Prior marketing efforts have contributed to the growth of passengers using Mid-Continent Airport.

To continue its marketing efforts, an agency of record needs to be named for at least one year. The Airport and Marketing Director have worked with the Purchasing Department to put together the formal request for proposal by area businesses interested in this project. There has been tremendous interest shown in the potential contract. After initial review, the six (6) agencies were selected to do formal presentations with a selection committee. The selection committee included a representative of the Fair Fare\$ Board, Airport Advisory Board, Airport Staff, Marketing Director and Purchasing Director. The recommendation that this selection committee has made was to contract with Sullivan Higdon Sink as the agency of record.

The contract with Sullivan Higdon Sink will not exceed \$300,000 for marketing, planning and implementation of the airport campaign. The allocation is available in the Airport budget with an adjustment.

Motion --
-- carried

Mayans moved that the Selection Committee's recommendation to retain the services of Sullivan Higdon Sink. Be approved. Motion carried 7 to 0.

EXECUTIVE SESSION /RECESS

Mayor Mayans moved that council recess into executive session upstairs in working lunch between 12:00-12:40 p.m. to consider consultation with legal counsel on matters privileged in the attorney client relationship relating to: potential litigation, legal advice and contract negotiations; preliminary discussions relating to the acquisition of real property for public purposes and matters relating to employer employee negotiations; and return to Council Chambers no later than 12:40 p.m. Motion carried 7 to 0.

The Mayor announced that the CIP Workshop would be held between 1:00-2:00 p.m. in the Board Room and the joint meeting with County Commissioners and School Board would be held at 2:30 p.m. in the Board Room.

Council returned from executive session to Council Chambers at 12:40 p.m. Mayor Mayans moved that executive session be continued until 12:55 p.m. Motion carried 4 to 0. Council returned from continued executive session to Council Chambers at 12:55 p.m.

Mayor Mayans announced that no action was necessary as a result of the executive session.

Mayor Mayans moved that Council recess to the CIP Workshop and joint meeting with the County Commissioners and School Board at 12:56 p.m. Motion carried 6 to 0.

Council meeting adjourned at 4:20 p.m. in Council Chambers.

Patsy Ellis
Deputy City Clerk